S. Hrg. 98-1298

RELATIONSHIP BETWEEN CONGRESS AND THE EXECUTIVE IN THE FORMULATION AND IMPLEMENTATION OF FOREIGN POLICY

HEARINGS
BEFORE THE
COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE
NINETY-EIGHTH CONGRESS
SECOND SESSION

PART 1

JULY 25, 31, AND SEPTEMBER 26, 1984

Printed for the use of the Committee on Governmental Affairs

U.S. GOVERNMENT PRINTING OFFICE
43-105 O WASHINGTON : 1985

5401-32

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RELATIONSHIP BETWEEN CONGRESS AND THE EXECUTIVE IN THE FORMULATION AND IMPLEMENTATION OF FOREIGN POLICY

WEDNESDAY, JULY 25, 1984

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC.

The committee met at 10:04 a.m., in room SD-342, Dirksen Senate Office Building, Hon. William V. Roth, Jr. (chairman of the committee) presiding.

Present: Senators Roth, Nunn, Glenn, and Bingaman.

OPENING STATEMENT OF CHAIRMAN ROTH

Chairman ROTH. The committee will please be in order.

This is the first in a series of hearings the committee will hold on the relationship between the executive and legislative branches of Government in the formulation of foreign policy.

Simply put, my purpose in these hearings is to see how we can create an environment in which the two branches of Government can help ensure a more effective foreign policy for the United States.

The problems of confusion, friction, inefficiency and confrontation that have marked foreign policy over the last 20 years are not the sole responsibility of either political party. Specific issues may vary, but the difficulties have been with us in both Democratic and Republican administrations. The fault does not lie so much with individual administrations but with the system itself. The potential failure of the system between branches of the Government prompts the interest of this committee.

We intend to have, in addition to Professor Rusk today, Dr. Zbigniew Brzezinski next week. We will follow with others. What we are trying to do is assess the overall relationship between the executive and legislative branches in the area of foreign policy, highlight trouble spots and see if we can find ways to alleviate unnecessary friction and problems, so that the foreign policy of this country can be the best possible product of cooperation between the President and the Congress.

I take no "Pollyanna" approach to this problem. Regardless of what we say or do, frictions will continue. In fact, they should in a democracy. But in my view, this country needs a foreign policy that is supported by the bulk of the Congress and the American people. We may differ on methods, but hopefully the goals of American foreign policy should be supported by both political parties and a majority of the Congress. Otherwise our Nation shall run a zig-zag course that neither our allies nor our adversaries will understand or respect.

I don't need to dwell on the strained nature of the relationship between the President and the Congress over the past many years. Every administration, regardless of party, has suffered as the traditional bipartisan consensus, which formerly typified foreign policy, decayed.

The resulting confrontations between the Congress and both Democratic and Republican Presidents have given rise to considerable confusion in foreign policy matters.

This confusion has had a negative impact on our global interests. Our allies occasionally are at a loss as to whether they can afford to rely on executive commitments, which might be overturned by Congress.

Where our allies have suffered, our adversaries have benefited. Hostile powers increasingly devote their time and efforts to monitoring differences between the Congress and the administration of the day, differences which might be exploited to their own advantage.

Further, the executive must understand that close involvement of the Congress in foreign affairs is a fact of life. We in Congress have a responsibility to represent our constituents as best we can. There is hardly a major foreign policy decision that does not have domestic implications. So Congress will not go away.

Instead, we must replace to the greatest extent possible the present confrontation with cooperation. The two branches must see the other not as a troublesome "back seat driver" or an arrogant dictator of policy, but rather as partners in reserving the national security interests of the United States.

It is a special pleasure for me to welcome here today a man whom I greatly admire; one of the chief architects of our foreign policy; a man who has served with such distinction; one who has always had the courage to do what he thought was in the best interest of our country.

Prof. Dean Rusk is known to most of us not only as an eminent teacher of international law, but also as one of this country's most experienced and distinguished diplomats. He was Director of the Office of Special Political Affairs; Assistant Secretary for Far Eastern Affairs; and, of course, most importantly, as Secretary of State under Presidents Kennedy and Johnson.

I want to thank you, Professor Rusk, for taking the time to be with us today. I appreciate that. Before we proceed with your testimony, I am very pleased to see both John Glenn and Jeff Bingaman here. I would call upon them for any statement they care to make.

Senator GLENN. I have no statement, Mr. Chairman. I am just glad to see Mr. Rusk back with us again. I think in his opening remarks in his prepared statement, he says: "I have rarely returned to Washington in recent years." That is our loss.

Mr. RUSK. Thank you, Senator.

Senator GLENN. We seek your counsel and advice. I don't think there is anything more important than the subject we are going to discuss here, the long-term picture and how we deal with foreign policy. I am on the Foreign Relations Committee, so there is cross-pollinization here between these Governmental Affairs hearings we are having, and the work of the Foreign Relations Committee. I think we really have not had a bipartisan foreign policy as such, a working bipartisan foreign policy, for many years. We welcome your comments and expert counsel and advice in this most important area.

Chairman ROTH. Jeff.

Senator BINGAMAN. I didn't have any opening statement. I also greatly appreciate Secretary Rusk being here and admire the work he has done and look forward very much to his testimony.

Chairman ROTH. Secretary Rusk, please proceed.

TESTIMONY OF DEAN RUSK, PROFESSOR OF INTERNATIONAL LAW, UNIVERSITY OF GEORGIA, AND FORMER SECRETARY OF STATE

Mr. RUSK. Thank you, Mr. Chairman. I appreciate very much your kindness, Senator Glenn, Senator Bingaman. As Senator Glenn pointed out, I have only rarely returned to Washington during recent years, but I was honored by your invitation to come and talk about this very important subject. It is very hard to find a more serious matter for us to be considering. Particularly as we are in the middle of a decade which culminates in the bicentennial of our Constitution, and it is appropriate for us to give long thought to how our system operates under that Constitution. I will try to summarize my prepared statement and then come to your questions and observations before too much delay.

I will begin with a reminder that we in the United States have what is perhaps the most complicated constitutional and political system of any country in the world, at least since the Dalai Lama was driven out of Tibet by the Chinese. I think their system was somewhat more complicated. It was deliberately made complicated by our Founding Fathers, because of the great compromises that made it possible to have a union at all, but also because our Founding Fathers were very much interested in imposing constitutional restraints upon the exercise of governmental power in the interest of freedom.

In my remarks I have a quotation from Thomas Jefferson to be found in the Kentucky resolution of 1798 in which he reminds us that too much confidence in those who govern is the parent of despotism. That free government is founded in jealousy. As he put it: "* * * Let no more be heard of confidence in man, but bind him down from mischief by the chain of the Constitution."

I mention this because when we get too angry with people across the aisle or at the opposite ends of Pennsylvania Avenue, we might pause to remind ourselves the responsibility lies in part with the Founding Fathers. They deliberately made our system this way and did not want to make it too easy to govern.

The late Chief Justice Earl Warren visited our school of law in Georgia shortly before his death. On that occasion he reminded us that if each branch of the Federal Government were to pursue its own constitutional powers to the end of the trail, our system simply could not function. He was saying it would freeze up like an engine without oil.

The idea of separation of powers is fundamental, but the other side of that same coin is the constitutional necessity for comity among the branches of Government. That comity requires effective communication between the executive and legislative branches and a mutual respect between the two branches which makes it possible to reach a common point of view as a basis for policy and action.

I did remark that I myself am very reluctant to try to resolve these matters through constitutional amendments which would bring about structural changes in our system. I do not agree with those who would like to see us move to a parliamentary system of government. I do not believe that a case can be made that parliamentary governments have governed more effectively than we have.

I am also opposed to a single 6-year term for the President of the United States.

Chairman Roth. I hope you feel the same way with respect to Senators.

Mr. Rusk. I wouldn't touch the Senate. I would be willing to consider the possibility of a 4-year term for Members of the House, but I wouldn't touch the Senate as far as the Constitution is concerned.

Even though President Johnson and President Carter, for whom I have great respect, have endorsed the idea of a single 6-year term for the Presidency, I agree with President Gerald Ford in opposing that idea. I do not want to see a President, and more particularly the people around him, occupy that office with any thought that they have 6 years in which they can pay minimum attention to the views of the American people or even of the Congress. The great strength which is derived from our separation of powers it that it compels us to seek a consensus, a necessity which I consider to be both wholesome and enlightening.

Now there are many consequences which flow from the sheer complexity of our system. One you and I were talking a little about before we came in; it is very difficult for foreign governments and foreign peoples to understand our system. We have spent a great deal of time in trying to explain our system to them. I myself have spent a good deal of time with senior Russians trying to get them to understand better how our system works.

But another result of this complexity is that those who occupy a public office in this country, whether by election or appointment, must spend an enormous amount of time just to make the system work. A Secretary of State will spend at least half of his time on the domestic arrangements that are required to have a policy before he talks to foreign governments. The Secretary has to think about his relations with the President, his relations with the Congress, his relations with the Department of State and other departments of the Government, his relations with the press and public opinion.

Those are all domestic in character. I have been told I myself spent more time with the Congress than has any other Secretary of State. This involved meetings with committees and subcommittees of the Congress on literally hundreds of occasions, with informal breakfast groups, with office consultations, either on Capitol Hill or in my own office. It included appearances with Members of Congress of both parties on the radio and television programs which they would send back to their States and districts. I never regretted the time required to try to keep in touch with the Congress, although it was a pretty heavy burden at times. Since you gentlemen don't have a rule of relevancy down here, every time you appear before a subcommittee or committee you have to be prepared to take a question from any quarter on any subject whatever. Each appearance usually takes 1 day or 2 of very intensive study before you come down here. I would like to talk today about more effective communication between the executive and legislative branches.

By and large, in this post-World War period, political partisanship has not been a significant obstacle to effective communication and a considerable degree of cooperation between the executive and legislative branches. During political campaigns, there has been a good deal of public debate on foreign policy issues, and we are going to have a lot of that this year, but in between elections, the practice has been to try to find common ground in the national interest.

It has been my privilege and responsibility to meet with committees and subcommittees of the Congress literally hundreds of times. Not once have I ever seen differences of view turn on party lines. There were many differences because a lot of our problems were very complex and require on balance razor-edged judgments on which honest men and women can disagree. I never found those disagreements to be partisan in character. I read in the press last year there was a vote in the House Intelligence Committee where the vote was along straight party lines. I noted that because it was such a rare event. These things normally cut across parties rather than separate one party from the other.

I think I might tease my colleagues a bit. Every 4 years the two major parties go through considerable agony to write party platforms, sometimes with a lot of controversy. In those platforms, they try to say something about foreign policy which sounds good and which sounds a little different from the other party, if possible. I have attended hundreds of meetings in the Government in which foreign policy decisions have to be made, mostly in Democratic administrations but some in Republican administrations, and on no single occasion have I ever heard anyone in any of these meetings say: "Well, let's get out the party platform and see what it has to say about it." This is not a cynical remark. It simply reflects the fact that generalizations in political campaigns and party platforms simply cannot take into account the dozens and dozens of secondary and tertiary questions that are involved in most important foreign policy matters in the real world.

Another more fundamental element: political campaigns, party platforms, we professors, newspaper reporters, commentators live in the world of opinion. There is a very great difference between the world of opinion and the world of decision. For the last 14 years, I have been in the luxurious world of opinion. I don't have to have an opinion. I can postpone it indefinitely. I can have one opinion today and exactly the opposite opinion tomorrow and nothing happens. I can make up my mind on one element in a problem which may have 15 or 20 elements in it. That's not the world of decision. My own hunch is that the intellectual processes in these two worlds are very different and if these two worlds understood each other better, we would have more effective communication between those of us who live in the world of opinion and those who live in the rigorous world of decision.

Let me illustrate that with a fairly recent experience.

When President Jimmy Carter took the oath of office on Inauguration Day, he found certain major questions on his desk that had been left there in an unfinished stage by his predecessor. There was Panama. President Ford and Secretary Kissinger had negotiated and agreed with Panama on a set of guidelines for new treaty arrangements with Panama respecting the Panama Canal. President Carter's choice was between going ahead with those new treaty arrangements or sending large military reinforcements to Panama to fight it out on the ground against the unanimous opposition of the rest of the hemisphere and creating a situation where we would be in a minority of one or two in the entire United Nations.

There was China. President Nixon made his famous trip to China. He joined in issuing the Shanghai communique, anticipating normal relations between the United States and the Peoples Republic of China. President Ford made his visit to China and reaffirmed the Shanghai communique, but the actual normalization of relations was left to President Carter.

There was the SALT II negotiations. When Secretary Henry Kissinger left office, he was quoted in the press as having said the SALT II negotiations were 95 percent complete, but it was up to President Carter to conclude those negotiations.

During the campaign of 1980, Candidate Reagan said some very grumpy things about Panama, China, and SALT II. But when he became President, he did not tinker with the Panama Canal treaties because that would have left us without any basis for our presence in Panama and the assertion of our deep interest in the passage and security of the Panama Canal. He did not reshape the normalization of relations with the Peoples Republic of China. Indeed, he made his own visit to that country. As for SALT II, I am convinced that the more President Reagan puts his own mind to the inner heart of the nuclear arms race, he will become more and more interested in finding some way to put a ceiling upon that race and begin the process of reducing these dreadful weapons.

The simple fact is both the Republican and Democratic parties are necessarily committed to the deepest interests of the United States in our relations with the rest of the world.

As you indicated in your opening remarks, Mr. Chairman, there will be differences in tone, style, and emphasis from time to time, but the central interests of the United States do not vary significantly when one party or the other occupies the White House or has a majority in Congress.

Both the executive and legislative branches should, in my judgment, give further thought to the process of consultation on foreign policy matters. Whether we like it or not, the United States exercises great influence in the world in which we live. A cacophony of voices out of Washington can cause a great deal of confusion and trepidation among other nations who listen intently to much of what is said among us here at home.

We never have been able to find a way to get our friends abroad to close their eyes and put plugs in their ears during our 4-year Presidential election campaigns.

During the 1960's, we began weekly morning meetings in the House of Representatives to which every Member of the House was invited. At these meetings, Wednesday mornings at 9 o'clock, a senior officer of the Department of State would come and discuss and take questions on some important area of foreign policy. The attendance by House Members would run from 60 up to maybe, say, 300 or more, depending upon the topic and who was coming to represent the administration.

I myself went to a number of these meetings and considered this process very useful. My impression was that a Member of the House who attended these meetings regularly would come out at the end of the year with a far deeper and broader understanding of what was going on in the world than Members of Parliament would get during question time in the House of Commons.

Let me say in passing, I myself cannot remember a single difficulty caused by any leaks from those meetings. The privacy of those meetings was well respected by those who took part.

We did offer, Mr. Chairman, the same facility to the Senate, but the leaders of the Senate at that time, for reasons I never fully understood, did not respond favorably to that idea.

Chairman ROTH. Could I just interrupt a minute? Just before you came into my office this morning, I had the opportunity to discuss those meetings you had in the House of Representatives. I must say I thought they were extraordinarily valuable. Besides being very beneficial, they were well attended. Unfortunately, sometime after your departure—I don't know when it exactly occurred—that practice has been discontinued. It does seem to me that is one step that this administration and any future administration should consider reinstating in both Houses. It is an excellent means of communicating with a broad coalition. I would like to let you know how much I appreciated those meetings.

Mr. RUSK. Thank you, Mr. Chairman.

I must confess, I myself thought those meetings were very valuable at the time and rather sorry they seemed to peter out over the years for reasons I am not familiar with.

If we Americans can talk over our foreign policy problems simply among ourselves, we would find that candor would be entirely possible and secrets play a very small role. The trouble is there are other larger audiences out there listening in to everything we say—our allies, our potential adversaries, and that large number of nations we call the Third World. Some of our public discussions between the two branches on difficult and sensitive issues has to take into account the impact upon these other audiences and tends to inhibit the degree of frankness and candor which is essential to a close working relationship between the two branches of Government.

A good example of an effective working relationship between the two branches is to be found during the Republican 80th Congress and the Truman administration. Senator Arthur Vandenberg was chairman of the Senate Foreign Relations Committee and was recognized in the Senate as a major leader on foreign policy. Every report or bill which came out of his committee during the 80th Congress, with one trivial exception, came out unanimously. That was because Senator Vandenberg insisted that members of the committee attend meetings and work seriously toward the achievement of a common point of view. That facilitated the most intimate consultation between the Truman administration and the Congress and made it possible for both sides to contribute to the final result.

I might add, that was a great creative period in American foreign policy—the Marshall plan, the creation of NATO, Point 4, the launching of the new United Nations and all sorts of other very positive things.

Another incident will throw a different light on this consultation process. At the time of the Cuban Missile crisis, President Kennedy called down to the White House about 30 Members of the Congress to tell them about the missiles in Cuba and what he proposed to do about them. That meeting occurred about 3 hours before President Kennedy was to go on national television to make his famous speech to the Nation on that crisis. His speech was already written and television time had been reserved. Most of the Members of Congress who were at that meeting were hearing about the missiles for the first time, whereas we in the executive branch had had a full week to consider all the options and alternative lines of action.

The Members of Congress had had no time to reflect upon and discuss with each other that very dangerous situation. To be frank, the only question before them at that moment was, are you prepared to support your country at this moment of grave danger? Now, I do not consider that to be effective consultation between the two branches. Thinking back upon that experience, I would recommend that a President meet approximately once a month with the bipartisan leaders of Congress, including the chairman and minority leaders of the key committees, to discuss with them the world situation and American relations to major issues around the world. I have in mind meetings which would not be aimed at reaching firm decisions on any particular point, but to build up a consensus of understanding of what is happening in the world and where American vital interests might lie.

Since I am a veteran of the executive branch, I must say it is not easy to consult with the Congress of 535 Members, with its many committees and subcommittees. Almost literally, every committee of Congress becomes involved in matters affecting our foreign relations, ranging from the Senate Foreign Relations Committee around to the House Committee on the District of Columbia. I made one suggestion which is not likely to be adopted; namely, that it be understood in the Senate and in the House that their respective Foreign Affairs and Foreign Relations Committee would have the right to consider any bill before any committee of Congress for the purpose of commenting on the foreign policy implications of such proposed legislation from the point of view of foreign policy as a whole.

The Congress itself changes over the years in ways that have a bearing upon effective consultation between the two branches.

During the early 1960's, for example, we could talk to about half a dozen Senators and Speaker Sam Rayburn in the House and they could tell us what the Congress would do or not do. This was possibly because they themselves could tell the Congress. President Lyndon Johnson used to refer to these people as the "whales" of the Congress. As a political scientist, I could make a pretty good case against the whale system but the question which remains for the Congress is whether or not there are those who can speak for the Congress in between formal votes and serve as effective channels of communications with the executive branch. I can understand the attitudes of Senators and Congressmen who feel that each one of them has an individual responsibility to his own or her own State or district and that one cannot yield that responsibility to anyone else.

But the constitutional responsibilities entrusted to the Congress under our Constitution attach to the Congress as a corporate body and not to its individual members. Even so I respectfully suggest to the Congress that you give further thought as to how you are to provide the executive branch with responsible spokesmen so that the executive branch can be reasonably confident as to the attitude of Congress on particular matters, although it would be foolish for us to expect unanimity on most questions.

A great deal has been written about the extraordinary increase in the powers of the President over the years. Less has been written about the extraordinary increase in the powers of Congress, both through the broadening of the meaning of constitutional provisions such as the Interstate Commerce clause, the 5th and 14th amendments and the power to tax and spend. The powers of Congress have rapidly expanded through changes in the lives we live and the shape of the world about us.

The participation of the Congress in the conduct of our foreign relations is far more extensive than most people realize. The President does not have a person or dollar not provided by the Congress. Almost every action we take in the foreign policy field requires legislation or appropriations or both. There is a 5-foot shelf of statutory law organizing the Department of State and setting the main policies which the Department of State is to follow.

If some 3,000 cables go out of the Department of State on every working day to our posts and governments all over the world, far more of them will be based upon the requirements of law than upon specific instructions from a President or a Secretary of State.

We think of the Office of President as one of great power, but if one makes a list of those things which a President can do all by himself, it is a relative short list. In a real sense, the Presidency is a license to persuade and a close working relationship between the President and the Congress is essential if our system is to operate effectively.

I recall, for example, the relationships between President Harry Truman and Senator Arthur Vandenberg, between President Eisenhower and majority leader Senator Lyndon Johnson, between Presidents Kennedy and Johnson and Senator Everett Dirksen. It is incumbent upon a President to give sober and careful thought to the views of the Congress when he is forming his own conclusions about foreign policy issues. That is a necessity imposed by our Constitution.

It was my privilege to serve with President Lyndon Johnson who probably spent more time with the Congress than has any other President. I know he gave very serious thought to the attitudes of Congress because he knew, as you indicated in your opening remarks, Mr. Chairman, that no President can pursue any important foreign policy for very long without the understanding and support of the Congress and of the American people but there are times when it is very difficult to get the view of the Congress short of a formal vote and this bears upon the question whether the Congress itself will provide a leadership system which will give the executive branch someone with whom to negotiate.

We all have to recognize the question of time upon you Members of Congress. Most citizens have a very imperfect understanding of the demands made upon the time of those who sit in Congress. Even when committees meet to take up important foreign policy questions, attendance is often sparse because of other heavy duties. Any attempt to improve the process of communication between the two branches would have to be respectful of this factor of time which is more pressing for the Members of the Congress than for members of the executive branch.

There are other complications, somewhat minor. For example, I have experienced a boxing of my ears by Senators and Congressmen whose problem was with their own colleagues. On occasion, I suggested that such Members put their views in a motion and let the Congress vote because the executive branch is entitled to know the view of the Congress on pending policy matters. When minority views are translated into the heckling of representatives of the executive branch who are carrying out policies which are agreed between the two branches, the result is a kind of tension which might be better to avoid. Both the executive and legislative branches should get their own houses in order to avoid confusion both at home and abroad.

Mr. Chairman, we could discuss these matters in many different directions. We are now in the middle of an election year in which we are to select a President, one-third of the Senate and a House of Representatives. From one point of view, it is a grand inquest of the Nation, a solemn and important part of the process of governing a free people. From another point of view, it is our quadrennial silly season during which candidates of both parties will probably say some very foolish things and create a certain amount of confusion at home and abroad.

Several of us who served as Secretary of State joined in issuing a caution to both parties recently and one could hope that candidates on the campaign trail would be a bit careful about foreign policy matters, but complete prudence would be asking too much. Fortunately, when the elections are over, we are inclined to put these partisan debates behind us and follow the policies which are set for our Nation as a whole.

Foreign policy is that part of our public business which we ourselves cannot fully control. We can pretty well determine what we want to do here within our own borders, subject to certain overriding constitutional requirements. But when we move beyond our national frontiers, there are more than 160 other nations out there, each with its own unique background of history, religious, and culture traditions, economic and social problems, so forth. Not one of these nations simply salutes when we speak. It is a world of negotiation, adjustment, differences of view, confrontation and, in tragic moments, violence. Elements of frustration and disappointment are built into the very nature of our relations with this diverse world. We should be careful not to translate these frustrations and disappointments into the notion that our leaders are either knaves or fools.

In any event, Mr. Chairman, this great Nation of ours has survived 40 Presidents and 60 Secretaries of State and almost 100 hundred Congresses, and we shall survive those who take office next January. Looking back over this post-war world, there have been mistakes and disappointments but, by and large, the American people have shaped their relations with the rest of the world on the basis of responsibility, restraint, and a measure of generosity.

I conclude with one matter that is much on my mind, Mr. Chairman. Our young people these days are being battered with a great deal of doomsday talk. It is coming from all flanks of the political spectrum. But in August, we shall be able to say that we have put behind us 39 years since a nuclear weapon has been fired in anger, despite many serious crises we have had since 1945.

I think we know without any doubt the leaders of the Soviet Union have no more interest in destroying Mother Russia than our leaders have in destroying our beloved America. I, for one, approach the bicentennial of our Constitution with a sense of awe and respect and gratitude to those great men who fashioned this rather illogical and difficult system of ours. Perhaps they built better than they knew. I will be glad to take any comments or questions, Mr. Chairman.

Chairman ROTH. Thank you very much, Secretary Rusk.

It's a splendid statement that I think gives us a lot of food for thought. I would just like to make a comment on your closing statement because I think it is of critical importance. Despite all the gloom-and-doom rhetoric to the contrary, as you pointed out, much of our foreign policy has worked. Nuclear weapons have not been used for 39 years. Similarly, I have said many times, NATO has been underappreciated in the sense that it has kept the peace. Unfortunately, all of us, particularly in the Congress, like to dwell on the problems rather than the successes. So I think that point is one well taken and warrants repeating.

I also was struck by the fact, if I correctly understood what you were saying, that our foreign policy works best when we have broad bipartisan support. I gather from your comments that you feel that even now there is a fairly broad consensus. Is that correct?

Mr. RUSK. More consensus than is being reflected in some of the public debate. It has been very interesting over the years to see how, if one administration or the other begins to move over onto the soft shoulders of the road, the American people and the Congress have a way of nudging them back into the center of the main highway. We have had a good deal of rhetoric in the most recent years about foreign policy matters, but when you look at the field of action, you find most of the action that has been taken is in accord with central themes of American post-war foreign policy. But we will have a lot of debate between now and November on some of these matters.

When a new President comes into Washington—I don't know when the next new President will come into Washington—when a new President comes into Washington, he and, more particularly, people around him are inclined to think the first sentence of the Book of Genesis was dated with the election of their man and that somehow the world is going to be a lot different because their man has been elected. It takes them a while to learn that is not so and that all Presidents have had to deal with roughly the same kind of world in which we live and have to find answers presumably based upon America's critical interests.

So I think there is a gravitational drive toward the main stream of American foreign policy which is largely bipartisan in character.

Chairman ROTH. I believe that is an important point. However, I think there is a serious perceptual problem, at least today, as to whether or not common bipartisan foreign policy exist. I wonder if there is anything we can do to change that perception, or should do? Let me just throw out a couple of possibilities and get your reaction to them.

In Congress, we rarely debate foreign policy per se. We tend to take a position on a specific amendment of some type, often involving monetary issues—so much money for or cut off so much money for or against a particular program. Rarely, however, do we try to pass any resolution—be it a sense of the Senate or sense of the Congress resolution—as to what our policy should be with respect to an area, region or a problem. Would you see any benefit in the Senate, with its special responsibilities trying to pass sense of the Senate resolutions on specific issues—say the problem in Central America now? I don't want to add to the complexities of the Congress by getting involved in substance, but rather wish to focus on procedure—do you see any merit, for example, in Congress trying to adopt some kind of resolution as to what our policies in a region should be?

Mr. RUSK. I should think if those resolutions are passed, they should be passed after full and frank and private consultation with key representatives of the executive branch because otherwise you might have resolutions passed in Congress which would be very troublesome in the conduct of our foreign relations. We have in this country some special problems which might be called ethnic politics, for example, and sometimes those result in riders in the Congress or special resolutions which may or may not contribute toward the making of peace in the world; so one has to be a little careful about that. I would put prior emphasis on effective communication between the two branches. The Senate Foreign Relations Committee is now beginning to publish only slightly sanitized versions of the executive sessions of the Senate Foreign Relations Committee. I think they are now about to the mid-1950's, Senator Glenn.

After a few years when these executive session transcripts become available well into the so-called television era, it will be possible for students to study the respective qualities of the discussion in private session over against the public session to see whether or not the discussions in private session have not been much more candid and frank and profitable than those which are possible in public session.

Chairman Fulbright and I used to discuss the difficulty of getting members of the Senate Foreign Relations Committee to come to meetings. But when we were on television, they all came, several with pancake makeup on all ready for the show. In such meetings, we were talking over each others heads to another audience out there. That is not the kind of frank consultation that leads to the meeting of the minds. That is why I have suggested that a President regularly talk about these matters with the leadership of the Congress on a bipartisan basis, perhaps once a month.

Senator Fulbright used to complain about the practice of Presidents calling Senators down to the White House to talk to them about things. He used to say there was something about the air, the atmosphere, the awe inspired by the White House that made this an unequal conversation. There is something to that. Prime Minister Gladstone, in talking about his relations with Queen Victoria, once remarked, "it is very difficult to argue on your knees." Nevertheless, in those private talks, if it is understood on both sides, both sides should be frank, those can be very profitable discussions and Presidents can use the views expressed by Congress.

When a new President comes to Washington, there are two reservoirs of experience and talent waiting for him in the foreign policy field. One is the professional Foreign Service. We have a professional service that, in my judgment, is second to none in the world. The other is to be found in the key committees of Congress. But when a new President comes to town, he is inclined to look upon both these groups at arms length. As far as the professional Foreign Service is concerned, they served those rascals, my predecessors, and it takes him a while to understand he has a great asset there waiting for him. Most new Presidents come to town thinking that Members of Congress are potential adversaries and it takes a while to learn how to work out those relationships. So I'm hopeful we can sort of relax and understand our Founding Fathers gave us a kind of complicated system, not get too angry about it and try to sit down and work out a common solution to the best of our ability.

There will always be some differences but somehow we can work it out.

Chairman ROTH. I gather then from what you are saying that closer consultation in private, probably rather than some kind of a resolution in the Congress, is the key ingredient.

Mr. RUSK. Well, after careful and close consultation, then if the Congress or one House of the Congress or the other wishes to express itself in a sense of the House resolution, I don't see any objection to that, but sometimes—I don't know if you ever had a chance to look at the captive nations resolution. In the spring of my first year as Secretary of State, I found on my desk a captive nations proclamation that I was to send over to the White House. I called in my colleagues and said, "What is this?" They showed me the resolution passed by the Congress a couple of years before, unanimously; apparently coming out of the Senate Judiciary Committee.

The effect of that resolution would be, among other things, to break the Soviet Union up into about 12 separate nations. It called upon the President to issue this captive nations resolution every July. When it was issued, the Soviet Ambassador would come in and protest to me and I would have to tell them, don't get too excited about this; we are not going to war over it. Resolutions of that sort don't contribute very much to our actual relations in the world in which we live.

Senator NUNN. What did it do to Texas?

Mr. RUSK. It left Texas alone in that particular resolution. I remember President Johnson once complaining to a Senator from Alaska that Alaska made Texas the second largest State and the Senator said, well, you better be quiet, Mr. President, because if you're not, Alaska will break itself in two and Texas will be the third largest State.

Chairman ROTH. Let me ask one related question and then I will limit our inquiries to first round 10 minutes and follow the early bird rule, first time, first question.

I just recently returned from Scandinavia. There, I was told by the Swedish Foreign Secretary, that they have a parliamentary debate—I think once every 2 years—at which the government in power provides some kind of broad-based foreign policy statement.

Do you think it would make any sense to require an American President, say, periodically, to make such a foreign policy report to Congress? And then require Congress to have some kind of a general parliamentary debate, not necessarily either approval or disapproval, on that document? Again I go back to one of the things that bothers me about the Congress. Frankly, we spend all our time on the budgetary process one way or the other and to the extent we get involved in foreign policy, it is often tied to that budgetary process. Maybe that is the way it has to be done under our system. Would you care to comment on the general proposition?

Mr. RUSK. Mr. Chairman, it might be worth trying, but begin with a certain amount of skepticism about the utility of these wide-ranging reports that are cast in generalized language because they very often simply do not get at the heart of the questions with which we are confronted and much of the time discussion on some of these issues ought not to be public. During the Eisenhower administration they put together a very thick book called U.S. National Security Policy. Well, when President Kennedy took office, some of his colleagues, the policy planning staff and others, set about to revise that book for the Kennedy administration and they put several months of hard work in on it. When they got through, President Kennedy would not approve it. He said, "At this level of generalization, I don't know what I am approving for next Monday morning at 9 o'clock." In such reports you cannot say that so and so, the head of a particular country, is just a plain rascal. That won't contribute much to your foreign policy problems but that may be the truth. So I'm just a little skeptical about it.

One little example in recent years with respect to the Congress: You have required the State Department to send you an annual report on Human Rights Around the World and in that report we comment on the status of human rights in all countries—like Britain and New Zealand and the Netherlands and countries like that.

We comment on human rights in every country except the United States. Now why at least don't we have a section there about the United States?

Nobody would like us to be the den mother of the universe on those issues. I think we need to be a little bit careful about how we generalize about the world situation. Inevitably the Defense Department has to give you an overall view of the national security situation as a basis for their major defense budgets, but I would rather regret to see that effort made in the total foreign policy field.

Chairman ROTH. Senator Bingaman.

Senator BINGAMAN. Mr. Secretary, I just have a couple questions. One of the first thoughts that occurred to me is, while I can see that the involvement of Congress in public debate about foreign policy issues is sometimes harmful, it would seem to me at least just from a different perspective that it might also be very helpful to the administrations in dealing with foreign countries at times. There are things that perhaps need to be said to some of our allies which the administration does not want to be in the position of having to say, but if it can point to the Congress and say: "We are not the ones complaining, but these irresponsible people on Capitol Hill are certainly on to this issue, and maybe we should do something to correct it," that this would be helpful. I would be interested in your reaction as to whether there is a utility in Congress involving itself in foreign affairs in this regard.

You were talking about the world of opinion and the world of decision; the executive branch presumably being in the world of decision and the Congress, in many of these matters, being sort of in the world of opinion, passing resolutions, but is there not some value in having the Congress weigh in as the heavy actor in some of these issues?

Mr. RUSK. Well, the Congress cannot avoid important discussions of major foreign policy issues because it itself possesses constitutional responsibility with respect to these issues, and is part of our system we must live with. More often than many people think, in these private consultations between the executive branch and the Congress, the views of Congress will be taken into account in the executive branch before the executive branch reaches its final conclusion, if the executive branch can ascertain what the views of the Congress might be on a particular question.

Of course, our own negotiators abroad frequently have had to remind foreign governments we not only have to have the agreement of our President, but also the agreement of Congress. I myself have used the Congress on a number of occasions as leverage in negotiations, and it is a very important element to have present. Any American representative who sets about to pledge a contribution would be out of his mind not to remind those with whom he is talking that such a pledge depends upon the decision of Congress. And so I think there are boundaries based upon good taste and good sense which we should be aware of.

I recall when one Member of the Senate, no longer in the Senate, made an extended trip to Africa and talked about people climbing down out of trees. It took us several weeks to recover from that. I think when Senators and Congressmen travel abroad, they need to be a little careful about what they say about the policy of the United States to foreign representatives. The Constitution and the Supreme Court made it very clear that the President is what is called the sole organ of communication between our Government and other governments, but that is not strictly true because the Congress, in its deliberations, will inevitably have a very important impact upon our relations with other governments, not just in the laws it passes, resolutions it passes, but in the discussions it has on the floor.

Senator BINGAMAN. Let me just change the focus just a little bit here and ask about whether you believe there is a problem that Congress should concern itself with with regard to the high turnover in the executive branch, in political positions in particular, in the foreign policy area. Is there an issue there that we need to concern ourselves with? Do we have more political appointees in key policymaking positions in the foreign policy area than we should, and do we have a higher turnover of people in that area than we should?

Mr. RUSK. Mr. Shultz is our 60th Secretary of State; Mr. Reagan is our 40th President. So a little arithmetic would suggest being Secretary of State is a hazardous occupation. Harry Truman had four of them. I think we have to bear two things in mind. One is the first sentence of article 2 of the Constitution, often neglected, states that "the Executive power shall be vested in a President of the United States of America." It is the President who is elected by the people to give direction to the executive branch of Government within the laws and the Constitution. So it is important that responsibility in the President be acknowledged.

My own view is that the President should appoint people to high office in whom he has confidence, but he should also make use of the talents of the professional services.

During the 1960's, I had luncheon in London sitting next to the Treasury official who was head of the British civil service. During the course of luncheon conversation, I complimented him on how the British civil service stays out of partisan politics. He said: "Oh, no, you have it wrong; the British civil service supports one political party at a time." That, perhaps, is a better way to put it. I think the President is well advised to acknowledge the resources he has in the professional service, and it is the obligation of the professional service to respond to the direction of those that the people put there to give them direction. I think over time that can work out pretty well. After a while, most Presidents recognize the quality of our Foreign Service and make good use of them. It is something most of them need to understand better when they first take office.

Senator BINGAMAN. Let me just ask one final question. There has been quite a bit of discussion in the last year or so about problems being created for the executive branch by virtue of leaks of classified information. Is that something, and we have had a series of recommendations proposed to deal with leaks in the way of prepublication review, additional restrictions on press, that sort of thing, do you perceive that as a significant problem for this country in the formulation and implementation of its foreign policy at this stage?

Mr. RUSK. I would not like to see an effort made to resolve that problem by law. It is the duty of the reporters to bore in and try to get the story. There are times when it is the duty of people in Government to keep their mouths shut. Now that creates a continuing tension between the two groups. That tension, in my judgment, is wholesome because if the reporters were not trying to get the story, my guess is there would be a considerable abuse of alleged secrets on the part of those in Government. You know, Secretaries of State normally are not as worried about leaks as Presidents are. Of course, they are in a different political situation. Sometimes what are supposed to be leaks is smart reporters figuring things out for themselves.

In my 8 years, you may be surprised to hear me say there was only one leak that really bothered me. In the middle of the Cuban missile crisis when any consideration of face or prestige could have made a difference, some stupid colleague leaked my remark that we were eyeball to eyeball. Leaks are of little importance because secrets are not as important as people think. At any given time, we have a few secrets in the nuclear field, a few secrets in the electronic field, temporary secrets in negotiations with other governments. I don't know of any secret today that would stand in the way of any citizen making a responsible judgment about any major question of foreign policy if they were willing to take a little time to get the information that is readily available on that question.

To me one of the phoniest arguments in the world in politics is "if you just knew what I know you would agree with me." That, to me, is a phony.

Senator BINGAMAN. Thank you very much.

Chairman ROTH. Thank you, Jeff. Senator Glenn.

Senator GLENN. Thank you very much, Mr. Chairman, and Mr. Secretary. Obtaining a better coordinated foreign policy is a goal we all aspire to and would like to have. If you look at what has happened since World War II, we have come into a much more complex world which requires a more coordinated and better solidified position here at home. That would be the best of all worlds, I guess, but what we found is as we have come into a more complex and interdependent world, we also have had less party discipline, fewer of those "whales" that you talked about—the half dozen people on Capitol Hill that one could contact to find out what direction the Congress is willing to go up here.

There are lots of things that caused that, so I think part of the difficulty in foreign policy comes back to the weakness of the party structures themselves. I don't know how we strengthen that. We are no longer beholden to the parties to survive in office as we once were. I think perhaps the Republicans do a little better job of that than we do on the Democratic side of providing funds to their candidates so there is more of an obligation to the party.

Had things worked out a little differently in the Presidential sweepstakes this year, one of the things I had planned to do, had I gone all the way through, was to ask to come before the Senate and before the House and not to try to deal separately with these 14 committees—We have 18 standing committees, and we have 14 that have some connection with foreign policy.

Mr. RUSK. Right.

Senator GLENN. The Secretary of State can run his shoes off over here just trying to keep up with the different committees and appear every day. I see these studies occasionally of the percentage of time that the Secretaries of different departments spend just testifying, and it runs in some cases to 50 percent and up. I don't know when they are doing other constructive work besides running back time after time to the committees who want the prestige of having the Secretary himself testify, so you wind up going through these things 14 times with 14 different committees and little time left for anything else.

I had felt that coming before the whole Senate at one time, having a session—Sam Nunn had a session here a couple of years ago in the Senate. He asked to present some basic military things from the Armed Services Committee, and I certainly supported his efforts at that time and wanted to do something like that on a broader basis so that you get a direct contact with all the people at one time and not let it just filter haphazardly through these committees, making its way up to the whole body for support. It would be, in a way, an attempt to combine all the committees into a committee of the whole on this and on military policy because I don't think we can separate foreign policy and military policy at all.

Mr. RUSK. That is correct.

Senator GLENN. Quite often the Senate Armed Services Committee—the ranking minority member is here—the Senate Armed Services Committee does things that determine what foreign policy will be. We, in turn, on the Foreign Relations Committee do things that are going to require military commitment they may not be prepared for over there.

There is a lot of coordination needed here, but I think the President and the administration, who have the responsibility to lead in foreign policy—no one disputes that at this end of the avenue—can better present their case to the Congress in the way I have outlined, than just running helter skelter around to all these different committees and wasting the time of top officials. In other words, instead of having an amendment or a specific legislative proposal on the floor, have a policy session so that we know what is going on so the whole Senate would appear all at once—here it is, here is our policy, now let's discuss it and do it as a Senate of the whole, committee of the whole and do that with regard to our military situation and with regard to foreign policy. Do you think that would work or be counterproductive?

Mr. RUSK. I agree with you there is no way to separate national security policy from foreign policy. These two merge very quickly. I would think there are two ways in which we might get at that problem, Senator Glenn. It is an important problem. I can see some point in there being a weekly meeting down here in the Senate, similar to those we had in the 1960's in the House of Representatives to which every Senator is invited. Time factors may be such that not all would attend every meeting, at which there would be a senior representative of the administration come and discuss the world situation, or particular parts of it, and take questions and help build some common understanding of what the situations is, something comparable to question time in the House of Commons, but frequently enough so there could be a buildup of context over time. The idea it might happen once a quarter I think is not good enough.

The other is in the suggestion I made that a President might well take the initiative to have pretty regular meetings with the bipartisan leadership of the Congress and over time, such a group might come to be a kind of informal steering committee of the Congress on foreign and national security questions. But, you know, there was a time a few years ago when the press referred to the "young turks" in the Congress who came in and more or less upset that whale system I referred to earlier. I don't see how the Congress is going to be able to meet its constitutional responsibilities unless it has a leadership system which provides spokesmen for the Congress in between actual votes, because, otherwise, the powers of Congress will tend to erode through lack of impact of Congress on the formulation of policy.

Senator GLENN. I agree with you, except we have 100 "whales" in the Senate. Everyone is independent; they put their own stamp on it. They used to go to somebody else and say, OK, Lyndon Johnson, tell me how I should vote on this and he could arm twist because he had some patronage or had enough control—the leadership was in control at that time. Our leadership is not that strong now, we have to face it.

Mr. RUSK. I dare say every Senator has heard the remark back in his own State from somebody, "Gee, Senator, to me you are the greatest man in America and ought to be President." There is something about the chemistry of being Senator that causes many of them to believe that.

Senator GLENN. In a few cases that is true, Mr. Secretary.

Mr. RUSK. So 100 sovereign Senators are not the easiest group in the world to work with. It can be done when you invest a lot of time, thought and, if I may say so, mutual respect.

Senator GLENN. How do we get better coordination between foreign policy and military policy? I think this has been a rising problem not just here on Capitol Hill. I think in several administrations we have seen this problem growing. It has come to a head in this administration. We see the Department of Defense making pronouncements in one area that obviously have not been coordinated with the State Department pronouncements and vice versa.

Is this a problem you see as making it more difficult for us to operate in foreign policy or do you see it as a problem at all?

Mr. RUSK. I suppose I will appear self-serving, but if you search the news media of the 1960's, you will not find gossip and rumors of feuding between Secretary McNamara and myself. On the first day we took office, we had a long private meeting, just the two of us. I said to him the safety of the American people is a primary object of policy, and I will be very much interested in what he thinks the needs and concerns of the Defense Department might be. He said to me that the primary function of the Defense Department is to support the foreign policy of the United States, and he will be interested in those considerations. He and I spent a great deal of time with each other, almost every Saturday or Sunday, just the two of us in a long talk in my office or his trying to talk out these things and try to find some common ground if there were differences.

Now there were times when he was criticized in the Pentagon for listening to me too much and times when I was criticized in the State Department for listening to him too much. But we were both aware we were serving the same President, the same country, and we tried to work this out. It takes a lot of time to sort out these problems.

Senator GLENN. In 1975, the Murphy Commission put out a report on the organization of the Government for the conduct of foreign policy and they recommended that Congress establish a joint committee on national security for performing the kinds of policy review and coordination now performed by the NSC in the executive branch. I personally see that as duplication of other efforts going on here, but do you think something like that would help smooth the road a bit?

Mr. RUSK. I doubt that you will find a joint committee of the two houses will be particularly effective with regard to such a wide range of issues. I can see some point in fairly frequent combined meetings of the Foreign Relations and Armed Services Committees. We had a number of those during the 1960's at different times. I found those to be very worth while and that might be worth considering.

Senator GLENN. Thank you, Mr. Chairman.

Chairman ROTH. Senator Nunn.

Senator NUNN. Thank you, Mr. Chairman. Two points before I ask a couple questions. One, I congratulate you, Mr. Chairman, for undertaking these hearings. I think they are not of only great interest but of great importance. Second, I want to thank our distinguished witness for his appearance. He is one of the most distinguished citizens of the State of Georgia, and I think one of the most distinguished and honorable people who ever served this Government. So I thank you, Mr. Secretary, not only for being here this morning, but also for what you have done since you retired from Government, for being an outstanding citizen of the State of Georgia and for what you did for our Government while you were here.

Let me ask you one line of questioning, and I will perhaps follow up depending on your view. Of course, one of the fundamentals that shapes the relationship between the two branches now is the War Powers Act. That came about after you had left Government. The War Powers Act came into play with an awful lot of debate during the deployment of American forces in Lebanon. That, I believe, included lessons for all of us.

But let me just ask your view of the War Powers Act. How does it affect the relationship between the two branches? Do you agree with the act or do you think it should be abolished or changed?

Mr. RUSK. I do believe, Mr. Chairman, there are certain elements in the War Powers Act that are probably unconstitutional. I have in mind that section, for example, that would appear to enable the Congress by concurrent resolution to bring about the withdrawal of our forces from a particular area. I think one must be very careful about the attempted use of concurrent resolutions to deprive the President of his constitutional power to participate in legislation as provided in article I of the Constitution.

Senator NUNN. Are you making reference to a one-house veto to a decision rendered or are you going beyond that?

Mr. RUSK. A concurrent resolution is not submitted to the President for approval or veto as compared to a joint resolution. There has been some increasing tendency in recent years for the Congress to try to use, it seems to me, concurrent resolutions to block off the President from his legislative functions under article I, and I think we have to watch that a little carefully. But, quite frankly, I don't lose much sleep over the War Powers Resolution because if, God forbid, it ever became necessary for the Congress to consider a resolution like the Southeast Asia Resolution in relation to some other situation and the President and the Congress were agreed on the use of U.S. Armed Forces, the President at that time would almost certainly require the Congress to include in its resolution a paragraph 2 or 3 saying action taken under this resolution would not be subject to the War Powers Act. Given the atmosphere of the moment and the large majority behind such agreed action by the President and the Congress, my guess is that an exemption clause would be put in there.

When you get to a debate over constitutional issues and over something like the War Powers Act, it is already getting pretty late in the day. It is like a husband and wife talking about divorce. It is already pretty late when they get to that stage. What we need is that kind of consultation which will bring about a common view of an executive branch and a Congress on the proposed line of action. And it is that process of consultation that is of primary concern to me, but I don't particularly worry about the War Powers Act.

Senator NUNN. We are really seeing the War Powers Act, I think, eroded in several fashions. One, I think it is not proving in many respects to be very effective. The cat is already out of the bag. You can invade Russia, theoretically, for 30 days before Congress would come into play. The ammunition of our allies would be depleted by then, and unfortunately, the war would be over before the War Powers Act was evoked. It is that kind of thing which I don't think plays much of a role in a modern nuclear world.

On the other hand, in the case of a Lebanon, where you have Third World contingencies and controversial deployments, it does play a role. If Grenada lasted longer, which we are all grateful it didn't, it would play a role. On the other hand, we are seeing in Central America that Congress passed a resolution in the authorization committee—Armed Services—which contains a provision saying that the President cannot commit any troops to certain countries in Central America. This leaves us in a curious position where the President could invade Cuba, Russia, or China, but not El Salvador.

You really wonder where that is going. Let me pose just a brief observation about the War Powers Act. I think where it gets into trouble, as I see it now—and I think we have to have something like it, but I don't know what—is that the Constitution says the Congress shall say "yes" or "no" on declarations of war. There is no "perhaps," or "maybe," or for "30 days," or "for two divisions of troops," or "for *x* number of naval ships limiting the perimeter in which they can operate." If we operated in any war I know of where we actually prescribed parameters—either the numbers, the time or operating territory—I think it would have been a disaster.

The War Powers Act does not force Congress to say "yes" or "no." Anytime a legislative body has a chance to say "perhaps," or "maybe," or ought to do something that avoids the "yes" or "no" or anything in between, it is going to do it. That is what was done in Lebanon, a prescribed length of time.

I think we have to revisit the War Powers Act, take another look at it and probably find a formula that forces where we are going to have it implemented to say "yes" or "no." If we have enough doubt about what the President intends—how many troops, how long it is going to last, instead of prescribing all that by statute, which I think is an absurdity—we would just say "no." But, on the other hand, if we say "Yes, he can use force," it seems to me it ought to be an unqualified yes.

I think we have departed from the Constitution in that fundamental aspect, and I saw it in Lebanon. It just did not work appropriately. We never forced the President to state a clear mission and yet the resolution passed prescribed where they cooperate and how long they cooperate as if you can have legislative fiat determine military deployments.

Mr. **Rusk**. You know, there are some interesting incidents in the past which would be relevant to such a study, Senator. I was with President Truman when he met with the bipartisan leadership of Congress at the time of the outbreak of the Korean War. There were about 30 Senators and Congressmen there. At that meeting, they agreed that the President should proceed on the basis of his own Presidential authority, reinforced by resolutions of the United Nations Security Council, and he should not come to the Congress for a resolution. A few days later, Senator Taft, who had not been at that meeting, got up on the Senate floor and said he approved what President Truman was doing but he strongly objected to his doing it without coming to Congress.

President Lyndon Johnson had that very much in mind and as soon as he became President, started to talk to us about the Senator Taft experience, and if we stayed in Vietnam or extended our effort in Vietnam, we would have to come to the Congress. That was his approach to what came to be known as the Gulf of Tonkin resolution.

At the time of the Cuban missile crisis, I was with President Kennedy when he called in the congressional leaders and at that meeting, no Senator or Congressman raised any question about the constitutional power of President Kennedy to do what he was planning to do, and what he told the world he was going to do in about 3 hours time. The prevailing mood at that time was expressed to me by a Senator on his way out of the meeting, "Thank God I'm not the President of the United States." So these things will vary somewhat with circumstance. There is no substitute for putting heads together and coming to some sort of consensus between a President and the Congress. That requires effort on both sides, not just in the Congress, but on the part of Presidents as well.

There are a number of things which we did not do over the years because it was clear the Congress did not like it. For example, at the time that Mr. Nasser had closed the Strait of Tiran. We were canvassing the maritime countries of the world to see which ones of them would join in a military effort to keep that strait open, if necessary. Well, Bob McNamara and I came down here and talked to about 100 Members of Congress and we found that the Congress was almost literally unanimous and strongly opposed to any kind of military action with respect to keeping open the Strait of Tiran and so the whole idea was dropped.

We have not studied those things which were not done because of this consultation because those normally don't hit the press, but it would be interesting to look back and pick up some of those to see what the effect might be.

Senator Nunn. Based on the experience of Lebanon, I think it would be a very sound application of the War Powers Act if we looked at it in lieu of this kind of consultation on a regular basis as you have advocated this morning. I think, if anything, it makes it more important.

Mr. Rusk. Senator, when I was growing up in Georgia, I was 15 years old before I ever saw a live Republican on the hoof. Now they are running around all over down there.

Senator Nunn. It is a sign of prosperity.

Mr. Rusk. I think President Reagan has been somewhat unfairly criticized for something called "failure" in Lebanon. Disappointment, yes; but the Camp David agreement between Israel and Egypt was the only significant step toward piece in the Middle East in the last 35 years. The tantalizing possibility was Lebanon somehow could be restored as an independent country free of all outside military presence; once again, a kind of Switzerland of the Middle East. That was the tantalizing hope. That was the basis on which American, French, British, and Italian forces were in there for a period.

We were unlucky with respect to that bombing of the place where so many marines were being housed, but, of course, we were disappointed. I personally had a feeling the importance of the objective there was such that it was worth taking some chances.

How that fit into the attitudes of Congress, I was not particularly well informed at the time. But I have certain sympathy for the effort made. I am sorry that it didn't work out because I don't know of anything really more important than trying to find some basis to contribute toward peace there in that part of the world.

Senator Nunn. Thank you, Mr. Chairman.

Chairman Roth. Thank you, Sam. I was a little disappointed you didn't say "sense of progress" instead of "sense of prosperity" in connection——

Senator Nunn [interposing]. I was careful with my choice of words.

Chairman Roth. I thought in the bipartisan spirit. Let me go back to some questions raised by Senator Glenn. He raised the issue of coordination of military and foreign policy. Some people today say it is even more complex. This is because of the intertwining of various issues: domestic considerations often have international implications. Our economic policies, be they monetary or fiscal, have a tremendous impact on the world economy, the problems of immigration not only involve us domestically, but our friends and neighbors, so on and so forth. So the question comes up not only in coordinating the two raised by Senator Glenn, but about domestic considerations.

In the executive branch, and this goes to maybe a little different question, but in the executive branch, of course, we now have the NSC part of the theory there I guess being that it could help coordinate that. I wonder if you would care to comment on the NSC. Has it been a major step forward, or do you think it has built into our organizational structure a conflict, particularly where you get, as you often do, bright ambitious people and—first of all, I made a general comment about that.

Mr. RUSK. I have some strong views about the relations between the Secretary of State and the National Security Adviser in the White House. Perhaps I am guilty of some bias on that subject, but at least my bias is based upon almost two centuries of tradition and law.

The Secretary of State is in a very different position than the National Security Adviser in the White House. I mentioned earlier the five-foot shelf of statutory law organizing the Department of State in setting many of the policies which the Secretary of State is to follow. Many of those statutes delegate responsibilities to the Secretary of State. Of course, it is understood he carries out those duties under the supervision of the President, but not under the supervision of anybody in the White House who is on some staff somewhere. It is the Secretary of State who comes down here to Capitol Hill and meets very frequently with committees and subcommittees of the Congress and takes questions on any subject whatever affecting foreign relations. He is the one who has occasional press conferences here and abroad in which he has to talk about the policies of the United States. He is the one who goes around the country making talks and taking questions. In other words, the Secretary of State shares with the President those constitutional responsibilities which the President himself has.

It is my judgment that where a President tries to inject a White House staff person into the chain of command between himself and his Secretary of State, things begin to go wrong very quickly. Today perhaps 3,000 cables will go out of the Department of State to our posts and to countries all over the world, each one bearing the signature of the Secretary of State. The Secretary of State may see six or seven of those before they go out. The President may see one or two. The rest of them go out on the basis of authority necessarily delegated to hundreds of officers in the Department of State, otherwise the day's business simply could not get done. There is no way in which some staff person or persons at the White House can supervise that process.

During my 8 years, some 2,100,000 cables went out of that Department with my name signed to them, and I had seen only a fraction of 1 percent of them when they went out. I will leave you with a figure I won't ask you to believe. I will leave it up in the clouds for you to do with what you wish. I can remember of those 2,100,000 cables, only 4 or 5 of them which had to be called back and rewritten and turned around because those who sent them out missed the point of policy that the President or I wished them to follow. To me that is a fantastic professional performance by the Department of State.

So that process cannot be subject to a staff person in the White House or group of staff people; but only a President can resolve this problem. I have suggested that the first sentence of article II of the Constitution, "The Executive power shall be vested in a President of the United States of America," be framed and hung on the wall of the White House mess as a daily reminder that there is only one President in the White House. When there are those over there who get confused on that point, then things can go wrong very quickly.

So I have some pretty strong views on that, and I might add, this is not necessarily a partisan remark, this really did not get to be much of a problem until the early 1970s. Anyone who is asked to be Secretary of State ought to, in my judgment, clarify this point very carefully before he takes the office, otherwise the office becomes intolerable.

Chairman **Roth**. A number of suggestions have been made. I think one suggestion has been made that the National Security Adviser should be subject to confirmation so that he could testify. Another thought I had is would it be desirable and beneficial to make the NSC Adviser subordinate to the Secretary of State?

Mr. **Rusk**. The statutory members of the National Security Council are the President, Vice President, Secretary of State, Defense, Head of CIA and Chairman of the Joint Chiefs of Staff. Others can be added on particular questions if the President wishes them to be added. I would not think that the National Security Adviser who is the principal staff officer for the National Security Council should be subordinate to the Secretary of State. I must say, there are times when his role can be quite important in resolving possible conflicts among other departments.

You see, Mr. Chairman, it is considered infra dig to defer horizontally. It is difficult for people to defer to each other because of pressures from their departments. Sometimes it is useful to have a member of the White House staff resolving problems that might develop between two Cabinet secretaries or between two departments of Government; usually those questions have to go to the President for resolution.

I think the structure of the system is all right provided the use of such a person and the Secretary of State is clarified in the President's mind.

Chairman **Roth**. Senator Glenn.

Senator **Glenn** [presiding]. Just a couple of questions. Would you recommend changing the NSC structure entirely?

Mr. **Rusk**. I would recommend that it be staffed only by a limited number of people. I think McGeorge Bundy had about a dozen on his staff when he was National Security Adviser. In the early 1970's, it grew to a hundred or more, and when it gets that large, then certain bureaucratic syndromes begin to operate. People have to begin to justify their jobs from a bureaucratic point of view. One of the ways you justify your job in the bureaucracy is to tinker with something. So this tends to cause them to want to tinker with the Department of State or Department of Defense or somebody else.

Senator **Glenn**. If you say you would limit the number of people, then you would drastically limit the functions they could perform.

Mr. **Rusk**. That's all right with me.

Senator GLENN. Would it extend to the point of doing away with the structure entirely?

Mr. RUSK. No; I think the National Security Adviser can play a very important role in assisting the President to carry out his own functions with respect to foreign policy and national security matters; in arranging his schedule, helping with his paperwork, with presentation of alternatives, sometimes in drafting statements for a President to make. There is a lot of need for such a person around the White House. There is a place for him, but he should be kept in it.

Senator GLENN. In your observation of the NSC through the years, do you feel they too often have originated policy rather than just carrying out what was originally spelled out in defense?

Mr. RUSK. The understanding in the 1960's was if a national security adviser made a recommendation to the President on any matter affecting foreign policy that he would make it to me at the same time so I would have a chance to get my nickel's worth in if I wanted to before the President came to any conclusion. That is a wholesome way to look at it. We shouldn't try to stifle the National Security Adviser. If he has something to say, say it to all those who have an interest in the problem.

Senator GLENN. I have just one question remaining here and that is on the proliferation of Executive agreements, foreign policy by Executive agreements. I would not say we should do away with Executive agreements, but these were originally supposed to take care of little mundane matters with foreign countries—we are trading an acre here for two cows, whatever we are doing, so those things did not become burdensome here with the Congress having to approve absolutely everything.

Executive agreements have grown to where some of us here have concern with foreign policy by Executive agreements which sometimes bypass what would normally be treaties. They are dealing with matters that are even more important than some treaties. Do you see a hazard here? How would you control it? How would you alter it? What are your thoughts on use of Executive agreements, and how they have grown through the years?

Mr. RUSK. I think there is a latent constitutional issue there, Senator. Let's think of those Executive agreements which under the Vienna Convention of Law of Treaties are binding in international law, those in written form and expected to operate as law.

There are basically three kinds of such Executive agreements in our system. There are, first, those who have prior authorization from the Congress, such as many of our trade agreements. Then there are those which would take effect after they have been approved by the Congress. There have been a number of those. Where the problem lies is in Executive agreements which are based solely upon the President's own constitutional authority and on those, I would think that we need to be very careful.

It doesn't bother me to require that the President submit those Executive agreements, this third category, to the Congress to inform them of them so the Congress would have an opportunity to take action with respect to them if the Congress wishes to, preferably such things might be subject of prior consultation with the Congress before they are concluded.

Beyond those that operate as international law are vast numbers of agreements I think that the Congress would not want to get into. That is, it is simply a part of the daily interchange. I doubt you want to get into the agreements that have to do with whether Mr. So and So is going to visit Washington or whether the President is going to visit a particular country, how we are going to vote for a president of the UN General Assembly—there are a vast number of diplomatic agreements of that sort.

But on the question of binding executive agreements, I think the Congress should have a role to play, either by prior consultation, by later approval or by an opportunity to intervene if the Congress decides to do so.

Senator Glenn. We have them submitted to us now, supposedly, then someone goes through them. There are hundreds and hundreds of them, of course. Someone goes through them to see if there is anything that jumps out that requires some sort of legislative action here. But it becomes a little bit difficult for us sometimes when we feel the third type of Executive agreements you mentioned, that based on Presidential authority, is used to make decisions without prior consultation.

We have certain restrictions here as far as legislative approval or legislative veto is concerned. We have a whole body of law based on these now. We have several, I think it is 130-some different instances where we give legislative approval, disapproval, one-House approval, two-House approval, all the permutations of that, of course, that has been called into question now by the Supreme Court. We don't know quite where we are going with that right now. So these legislative approvals and disapprovals that also apply on some of these executive agreements are very much in doubt right now.

That is another difficult area in the conduct of foreign policy and area of contention between the executive and legislative branches.

Mr. Rusk. When the executive branch undertakes a negotiation with a foreign government on any question, it must give very careful thought to any constitutional or statutory issues that are involved in that negotiation. Prudence would suggest that in those instances that the executive branch keeping close touch, at least with the appropriate committees of the Congress.

For example, during the 1960's when we were working out the Nuclear Test Ban Treaty and Non-Proliferation Treaty and things like that, we kept in very close touch with the Subcommittee of the Foreign Relations Committee on arms control so they were with us all through that and that made a big difference when the time came to seek Senate approval on the resulting treaties.

Senator Glenn. I am going to have to go and vote, and we will stand in recess, subject to the return of the chairman.

[Brief recess.]

Chairman Roth. Secretary Rusk, I thank you for your forbearance. I apologize. Some things never change.

Mr. Rusk. Doesn't bother me a bit. I have been walked out on by Mr. Gromyko and it doesn't bother me at all.

Chairman Roth. I wanted to review some of the questions I have here. I understand the question on executive agreements has already been asked.

Mr. RUSK. Yes; Senator Glenn raised that.

Chairman ROTH. I will read the record on that.

One question that has come up is that once an administration takes a position on an issue, there is a question of getting the relevant information up to the policymakers, there being a tendency to eliminate or edit out information that tends to be in disagreement with that policy. Do you find that to be a serious problem and, if so, what if anything can be done about it? We all like to hear people agree with us, of course.

Mr. RUSK. It is very important that a President be aware of the different points of view that have been debated within the executive branch on major questions. Now, a President really never gets an easy question. Those questions which have easy answers are taken care of down the line before they ever reach the President's desk, so that most of the questions Presidents get have no really good answer. So it is very important for him to be aware of the different points of view which are present within the executive branch and indeed within the Congress before he comes to a final conclusion, and if he does not feel he is getting that exposure, he should take special pains to see that he does. There were times, for example, when President Lyndon Johnson would name certain of his staff people to take opposing points of view on a particular question and debate it out in front of himself. People in the executive branch do not serve the President well if they simply send to him a kind of least common denominator of views on particular issues because very often the least common denominator may be the worst that might be available.

We shouldn't be disturbed there would be these different points of view because a lot of these questions are extremely complicated where different points of view are entirely reasonable, but this is a very important matter and we should not blind the President by withholding from him different points of view within the executive branch or different points of view within the Congress.

Chairman ROTH. I don't see how we in Congress can ensure that. I, certainly, strongly agree with you. I recall years ago, when I served in the military, in preparing papers you were supposed to spell out for your superior both the pros and cons. Is that done at all?

Mr. RUSK. It was the practice in the military when you had a staff conference to begin with the junior officer and have him express his views so that you wouldn't get from junior officers simply repetition of what some senior officer might later say. I think that's not a bad practice. When I would call in an Assistant Secretary of State to my office to talk about something, I would ask him to bring with him his junior colleagues who were working with him on that subject so that I could probe them to see to what extent the Assistant Secretary's views were in effect a genuine consensus in this particular group or whether there were differences of view. When eventually the notes of those Tuesday sessions, luncheon sessions, with President Johnson will become available, you will see there was a most vigorous debate, and debate with the President, because present were the Secretarys of State, of Defense, head of CIA, Chairman of the Joint Chiefs of Staff. Sitting around at that small table, we all knew we could express very strong differences among ourselves without reading about it in the press the next morning.

That capacity is very important to a President. If a President doesn't get that automatically out of his colleagues, he should take special pains to try to insist that practice be followed.

Chairman ROTH. I would like to go back a moment to international and domestic problems that are so closely interrelated. Somebody suggested, I think it was you, that the value of joint meetings of the Armed Services with the Foreign Affairs Committee. I also think it is important, for example, that those with responsibility in the domestic area have a similar opportunity. Suggestions have been made that maybe we ought to have at least the chairman and ranking members of the appropriate committees, who have an interest in international issues, join the Foreign Affairs Committee periodically.

Do you see merit in that?

Mr. RUSK. I would think that would be very valuable, Mr. Chairman. I did suggest earlier perhaps the Foreign Relations and Foreign Affairs Committees ought to feel free to bring before themselves any matter pending in another committee for the purpose of commenting on it from an overall foreign policy point of view. That is sometimes done by direct reference to the Foreign Affairs and Foreign Relations Committees. I should think it would be worthwhile for the chairman and senior minority members of key committees to sit with Foreign Relations and Foreign Affairs Committees on certain matters and vice versa. When the Finance Committee is taking up important foreign policy ramifications to have the chairman and minority members of the Foreign Relations Committee be there for those discussions. I think that kind of thing could be very useful.

Chairman ROTH. I think there has got to be a lot more flexibility in this House than there has been in the past.

Mr. RUSK. Right.

Chairman ROTH. One matter that has concerned me somewhat is that there have been a lot of statements that there are rather negative, negative attitudes toward Congress on the part of the "From the Congressional Research Service Study 1981 negative attitudes toward Congress are virtually part of the subculture of the Department of State and Foreign Service. Rigidity, competitiveness and selection for promotion retention, practices foster internal sense of superiority and elite character of the corps as relative to foreign policy matters."

I won't read you the whole quote. I think that is the major thrust. Do you think that does represent the attitude of many levels and, if so, how can we change that?

Mr. RUSK. If such an attitude exits, it is out of place in our constitutional system. I may be a little of a skeptic on this particular point, but there are those who take an elitist view toward the conduct of our foreign relations. A Walter Lippman to some extent, Dean Acheson, and others, who think that foreign policy is too complicated and subtle, that it is for the elite to handle and people at the grassroots should in effect stay out of it and the Congress should stay out of it. I never shared that view because although I recognize there is such a thing as accumulated experience and accumulated information in which there can be some expertise, that when you get around to practical judgment and common sense, sense of direction, and reflections on the difference between what is and what ought to be, I have never found much advantage among the elite over my cousins in Cherokee County, GA. So I think the professional Foreign Service should be careful in our kind of society about developing an elitist approach and should look upon Congress as a critically important element in our entire governmental structure and try to work as much as possible with the Congress and not take any kind of snobbish attitude toward those people at the other end of Pennsylvania Avenue.

Chairman ROTH. I suppose that is a problem that works both ways. There is often a tendency over here to look down upon the so-called bureaucrat. I see we have another vote so that I think I have pretty much exhausted the principal questions. If you are willing, we may have further questions we can submit to you in writing at a later date.

Mr. RUSK. Thank you, sir. Please let me congratulate you on taking up this important question. It needs a lot of examination and particularly during this period when we are coming up on the two-hundredth bicentennial of our Constitution.

Chairman ROTH. I feel, Mr. Secretary, we have an opportunity. As I said earlier this morning, we are coming to the period where maybe some of the recent experiences, whether it is Vietnam, Watergate, whatever, is at an end and that we have a new opportunity to strengthen the bipartisan approach in foreign policy. I want to say that it is very encouraging to me to hear you speak as to the vitality and strength of the bipartisan foreign policy and how it still effectively is working.

I would hope that we could do even more to strengthen it. I might further say that I think those, like myself who have served as Secretary of State provide a tremendous resource for this country in developing a stronger bipartisan consensus. I would hope that after the election, whoever may be elected, that all of us will work together in trying to strengthen the perception. Sometimes perceptions, as you well know, are as important as the facts.

I think we are especially fortunate, Secretary Rusk, to have you as our lead witness with your broad experience and continued interest and contribution in this area. I want to express my very, very deep appreciation of your willingness to come here and spend this time with us. I think the suggestions made this morning are very good.

I just might say, come the election, I am going—I am sure my Democratic colleagues will join me—I am going to seek to reestablish these weekly meetings. I feel there is no more appropriate vehicle that can do more to restore this common bond and help educate—I can tell you I found it immensely valuable. That was my first term in the Congress. I came pretty religiously to those meetings. They were of tremendous benefit. I think that alone makes this whole day worthwhile.

Thank you very much for being with us.

Mr. RUSK. Thank you, Mr. Chairman, for letting me come.

[Mr. Rusk's prepared statement and response to written questions submitted by Senator Roth follow:]

Prepared Statement of Dean Rusk

Mr. Chairman and distinguished members of the Senate Committee on Governmental Affairs.

Although I have rarely returned to Washington in these recent years, I am very glad to meet with you today to talk about relations between the Legislative and Executive Branches in our conduct of foreign relations. We are at mid-point in a decade which will culminate in the bicentennial of our Constitution, and it is appropriate that we reflect upon our experiences under that Constitution and look toward a rededication of our nation to the great principles of liberty which are at the heart of it.

Perhaps we should begin with the recognition that our Founding Fathers bequeathed to us what is perhaps the most complicated constitutional and political system to be found anywhere in the world—at least since the Dalai Lama was driven out of Tibet by the Chinese. Our system was deliberately made complicated by our Founding Fathers, partly because of certain great compromises which they made to make it possible to have a union at all but, more importantly, because they wished to impose constitutional restraints upon the exercise of power in the interest of human freedom. It is clear that our Founding Fathers were strongly motivated by the thought of imposing constitutional restraints upon those who govern. As Thomas Jefferson was to put it later in the Kentucky Resolutions of 1798:

"It would be a dangerous delusion were a confidence in the men of our choice to silence our fears for the safety of our rights: that confidence is every where the parent of despotism: free government is founded in jealousy and not confidence which prescribes limited Constitutions to bind down those whom we are obliged to trust with power: that our Constitution has accordingly fixed the limits to which and no further our confidence may go. * * * In questions of power then let no more be heard of confidence in man, but bind him down from mischief by the chain of the Constitution."

The late Chief Justice Earl Warren visited our School of Law in Georgia shortly before his death and on that occasion reminded us that if each of the three branches of the Federal Government were to pursue its own constitutional powers to the end of the day, our system simply could not function. He was saying, in effect, that it would freeze up like an engine without oil and that impasse is the overhanging threat to our constitutional system. The notion of the Separation of Powers is fundamental, but the other side of the same coin is the constitutional necessity for comity among the branches of government. That comity requires effective communication between the Executive and Legislative Branches, and a mutual respect between the branches which makes it possible to reach a reasonable consensus as a basis for policy in action.

Let me say at this point that I am very reluctant to try to resolve these matters through constitutional amendments which would bring about structural changes in our system. For example, I do not agree with those who would like to see us move toward a parliamentary system of government; I do not believe that a case can be made that parliamentary governments have governed more effectively than has our own. I am also opposed to a single six-year term for a President of the United States. I know that friends of mine for whom I have great respect, such as President Lyndon Johnson and President Jimmy Carter, have endorsed this idea. I find myself agreeing with President Gerald Ford, who opposes such a change. I have seen three Presidents at very close range, and I for one do not wish to see a President and the people around him occupy that office with any thought that they have six years in which they can pay minimum attention to the views of the American people or, indeed, to the views of the Congress.

The great strength derived from the Separation of Powers is that it compels us to seek a consensus, a necessity which I consider to be both wholesome and enlightening.

There are certain consequences which flow from the sheer complexity of our system. One is that it is very difficult for peoples and governments in other countries to understand our system and the potentialities of conflict within it. Over the years, we have spent a considerable amount of time trying to educate other govenments about the fundamental structure of our Constitution in order that they not be misled by too easy analogies between the way they conduct their affairs and the way such matters are handled under our own arrangements. During the 1960's one of our local universities conducted a continuing seminar on the American constitutional and political system for younger members of the foreign diplomatic corps stationed in Washington. It was well attended and greatly appreciated by those who took advantage of it.

Another result of complexity is that those who occupy public office in this country, whether by election or appointment, must spend an enormous amount of time just to make the system work. A Secretary of State will spend at least half of his time on the domestic arrangements which are required to have a policy before he talks to foreign governments, and I know of no other Foreign Minister of whom that is true. I have been told that I myself spent more time with the Congress than any other Secretary of State. This involved meetings with committees and subcommittees of the Congress on hundreds of occasions, with informal breakfast groups, with office consultations, either on Capitol Hill or in my own office. It included appearances with members of Congress of both parties on the radio and television programs which they sent back to their states and districts. I never regretted the time required to try to keep in touch with the Congress because it was an essential part of the business of conducting our foreign relations.

The principal issue on which I wish to comment today is the necessity for effective communication between the Executive and Legislation Branches and to pose the question as to whether we can make that communication more productive in the interest of the nation as a whole.

Speaking generally, in this post-World War II period political partisanship has not been a significant obstacle to effective communication and a considerable degree of cooperation between the Executive and Legislative Branches. During political campaign there has been a good deal of public debate on foreign policy issues, but in between elections the practice has been to try to find common ground in the national interest. It has been my privilege and responsibility to meet with committees and subcommittees of Congress on hundreds of occasions; not once have I ever seen differences of view turn on party lines. There were many differences of view because a lot of our problems are very complex and require on-balance, razor edge judgments on which honest men and women and disagree. But I never found there disagreements to be partisan in character. I read in the press that there was a vote in 1983 in the House Intelligence Committee where the vote was along straight party lines. I noted that because it was such a rare event.

Every four years the two major parties go through considerable agony to write party platforms. In those platforms they try to say something about foreign policy which (a) sounds good, and (b) sounds somewhat different from the other party if possible. I have attened hundereds of meetings in the government in which foreign policy decisions have to be made—most of them in Democratic administrations but some in Republican administrations—and on no single occasion have I ever heard anyone in any of those meetings say, "Let's get out the party platform and see what it had to say about this matter." That is not a cynical remark; it simply reflects the fact that the sweeping generalities used in political debate and in party platforms simply cannot come to grips with the total reality of major issues which involve dozens upon dozens of secondary and tertiary questions.

We have a fairly recent example of this central point. When President Jimmy Carter took the oath of office on Inauguration Day, he found certain major questions on his desk in an unfinished stage which had been left behind for him by his predecessors. There was Panama. President Ford and Secretary Kissinger had negotiated and agreed with Panama on a set of guidelines for new treaty arrangements between our two countries respecting the Panama Canal. President Carters' choice was between going ahead with those new treaty arrangements or sending large military reinforcements to Panama to flight it out on the ground against the unanimous opposition of the OAS and the prospect that the United States would be in a minority of almost one in the United Nations.

There was China. President Nixon had made his famous visit to China and had joined in issuing the Shanghai Communique, anticipating the normalization of relations between the United States and the People's Republic of China. President Ford has made his visit to China and had reaffirmed the Shanghai Communique. But the actual normalization of relations was left for President Carter.

There was the SALT II negotiations. When Secretary Henry Kissinger left office he was quoted in the press as having said that the SALT II negotiations were 95% complete. It was up to President Carter to conclude those negotiations.

During the campaign of 1980, Mr. Reagan said some very grumpy things about Panama, China and SALT II. But when he became President he did not tinker with the treaties with Panama because that would have left us without any basis for a presence in Panama and the assertion of our deep interest in the passage and security of the Panama Canal. He did not reshape the normalization of relations with the People's Republic of China; indeed, he made his own visit to China.

As for SALT II, I am convinced that the more President Reagan puts his own mind to the inner heart of the nuclear arms race that he will become more and more interested in finding some way to put a ceiling upon that race and to begin the process of reducing these dreadful weapons.

The simple fact is that the Republican and Democratic parties are necessarily committed to the deepest interests of the United States in our relations with the rest of the world. There may be differences in tone, style and emphasis from time to time, but the central interests of the United States do not vary significantly when one party or the other occupies the White House or has a majority in Congress. It is a source of great strength to our country that this be so.

Both the Executive and Legislative Branches should, in my judgment, give further though to the process of consultation on foreign policy matters. Whether we like to or not, the United States exercises great influence in the world in which we live. A cacophony of voices out of Washington can cause a great deal of confusion and trepidation among other nations who listen intently to much of what is said among us here at home. Typically, that consultation comes when members of the Executive Branch appear before committees and subcommittees of the Congress—but that alone is not enough.

During the 1960's we began weekly morning meetings in the House of Representatives to which every member of the House was invited. At these meetings a senior officer of the Department of State would come and discuss and take questions on some important area of foreign policy. The attendance by House members would run from sixty or so up to three hundred or more, depending upon the topic and who was coming to represent the Administration. I myself went to a number of these meetings and consider this process very useful. My impression was that a member of the House who attended these meetings regularly would come out at the end of the year with a far deeper and broader understanding of what was going on in the world than members of Parliament would get through question time at the House of Commons. Let me add that I cannot recall a single instance of any difficulty caused by leaks from those weekly discussions.

Let me say that we offered to the Senate similar weekly meetings during the 1960's but the then leaders of the Senate and its key committees did not respond favorably to the idea.

This suggests another element which is important to the effectiveness of communication. If we Americans could talk these things over among ourselves, we would find that secrets are relatively unimportant. The trouble is that there are other larger audiences out there listening in to everything we say—our allies, our potential adversaries, and that large number of nations we call the Third World. Public discussion between the two branches on difficult and sensitive issues has to take into account the impact upon these other audiences and tends to inhibit the degree of frankness and candor which is essential to a close working relationship between the two branches of government.

A good example of an effective working relationship between the two branches is to be found during the Republican 80th Congress and the Truman Administration. Senator Arthur Vandenberg was the Chairman of the Senate Foreign Relations Committee and was recognized in the Senate as a major leader on foreign policy. Every report or bill which came out of his committee during the 80th Congress, with one trivial exception, came out unanimously. That was because Senator Vandenberg insisted that members of the committee attend meetings and work seriously toward the achievement of a common point of view. That facilitated the most intimate consultation between the Truman Administration and the Congress and made it possible for both sides to contribute to the final result. I might add that that was a great creative period in American foreign policy—the Marshall Plan, the creation of NATO, Point Four, the launching of the new United Nations, etc.

Another incident will throw some light on this consultation process. At the time of the Cuban missile crisis, President Kennedy called down to the White House about thirty members of Congress to tell them about the missiles in Cuba and what he proposed to do about them. That meeting occurred about three hours before President Kennedy was to go on national television to make his famous speech on that crisis. His speech had been written and television time had been reserved. Most of the members of Congress who were at that meeting were hearing about the missiles for the first time whereas we in the Executive Branch had had a full week to consider all the options and alternative lines of action. The members of Congress had no time to reflect upon or discuss with each other that very dangerous situation. To be frank, the only question before them at that moment was, "Are you prepared to support your country at this moment of grave danger?" I do not consider that to be effective consultation between the two branches.

Thinking back upon the experience of the Cuban missile crisis, I would recommend that a President meet approximately once a month with the bipartisan leaders of the Congress, including the chairmen and minority leaders of the key committees, to discuss with them the world situation and American relations to major issues around the world. I have in mind meetings which wuld not be aimed at reaching firm decisions on any particular point but to build up a consensus of understanding about what is happening in the world and where America's vital interests might lie.

From the point of view of the Executive Branch it is not easy to consult with a Congress of 535 members with its many committees and subcommittees. Almost literally every committee of Congress becomes involved in matters affecting our foreign relations ranging from the Senate Foreign Relations Committee right around to the House Committee on the District of Columbia. I have made one suggestion which is not likely to be adopted, namely, that it be understood in the Senate and in the House that their respective foreign relations and foreign affairs committees would have the right to consider any bill before any committee of Congress for the purpose of commenting on the foreign policy implications of such proposed legislation from the point of view of foreign policy seen as a whole.

The Congress itself changes over the years in ways that have a bearing upon effective consultation between the two branches. During the early 1960's, for example, we could talk to about a half dozen Senators and Speaker Sam Rayburn in the House and they could tell us what the Congress would do or would not do. This was possible because they themselves could tell the Congress. President Lyndon Johnson used to refer to these people as the "whales" of the Congress. As a political scientist I could make a pretty good case against the whale system, but the question which remains for the Congress is whether or not there are those who can speak for the Congress in between formal votes and serve as effective channels of communication with the Executive Branch. I can understand the attitudes of those Senators and Congressmen who feel that each one of them has an individual responsibility to one's own state or district and that one cannot yield that responsibility to anyone else. The consititutional responsibilities entrusted to the Congress under our Constitution attach to the Congress as a corporate body and not to its individual members. Even so, I respectfully suggest to the Congress that you give further thought as to how you are to provide the Executive Branch with responsible spokesmen so that the Executive Branch can be reasonably confident as to the attitude of Congress on particular matters—although it would be foolish for us to expect unanimity on most questions.

Much has been written about the extraordinary increase in the powers of the President over the years. Less has been written about the extraordinary increase in the powers of the Congress—both through the broadening of the meaning of constitutional provisions such as the interstate commerce clause, the 5th and 14th Amendments, and the power to tax and spend. Indeed, the powers of the Congress have rapidly expanded through changes in the lives we live and the shape of the world about us.

The participation of the Congress in the conduct of our foreign relations is far more extensive than most people realize. The President does not have a person or a dollar not provided by the Congress. Almost every important action we take in the foreign policy field requires legislation or appropriations or both. There is a five-foot shelf of statutory law organizing the Department of State and setting the main policies which the Department of State is to follow. If some 3,000 cables go out of the Department of State today to our posts and to governments all over the world, far more of them will be based upon the requirements of law than upon specific instructions from a President or a Secretary of State.

We think of the office of President as one of great power, but if one makes a list of those things a President can do all by himself, it is a relatively short list. In a real sense, the Presidency is a license to persuade and a close working relationship between the President and the Congress is essential if our system is to operate effectively. I do not suggest that it is the duty of Congress simply to snap its heels and salute when a President speaks. It is incumbent upon a President to give sober and careful thought to the views of the Congress when he is forming his own conclusions about foreign policy issues. That is a necessity imposed by our Constitution. It was my privilege to serve with President Lyndon Johnson, who spent more time with the Congress than has any other President. I know that he gave very great thought to the attitudes of Congress because he knew that no President can pursue any important policy for very long without the understanding and support of the Congress and the American people. I must confess, however, that there are times when it is very difficult to get the view of the Congress short of a formal vote and this bears upon the question whether the Congress itself will provide a leadership system which will give the Executive Branch someone with whom to negotiate.

One limiting factor upon consultation between the two branches is to be found in the pressures of time upon members of Congress. Most citizens have a very imperfect understanding of the demands made upon the time of our representatives in Congress. Even when committees meet to take up important foreign policy questions, attendance is often sparse because of other heavy duties. Any attempt to improve the process of communication between the two branches would have to be respectful of this factor of time which is more pressing for members of Congress than for members of the Executive Branch.

On most questions there are differences within the Congress which seem to complicate relations between the two branches. I have experienced a boxing of my ears by Senators and Congressmen whose problem was with their own colleagues. On occasion I have suggested that such Members put their views in a motion and let the Congress vote on it because the Executive Branch is entitled to know the view of the Congress on pending policy matters. When minority views are translated into the heckling of representatives of the Executive Branch who are carrying out policies which are agreed between the two branches, the result is a kind of tension which it were better to avoid. Both the Executive and Legislative Branches should get their own houses in order to avoid confusion both at home and abroad.

Mr. Chairman, the subject we are discussing could ramify in many directions, and I have commented only on a few aspects. We are now in the middle of an election year in which we are to select a President, one-third of the Senate and the House of Representatives. From one point of view it is a grand inquest of the nation, a solemn and important part of the process of governing a free people. From another point of view, it is our quadrennial silly season during which candidates of both parties will probably say some very foolish things and create a certain amount of confusion at home and abroad. One could hope that candidates on the campaign trail would be a bit careful about foreign policy matters, but complete prudence would be asking to much. Fortunately, when the elections are over, we are inclined to put these partisan debates behind us and follow the policies which are set for our nation as a whole.

Foreign policy is that part of our public business which we ourselves cannot completely control. We can pretty well determine what we want to do here within our own borders, subject to certain overriding constitutional requirements. But when we move beyond our national frontiers there are more than 160 other nations out there, each with its own unique background of history, religious and cultural traditions, economic and social problems, etc. Not one of these nations simply salutes when we speak; it is a world of negotiation, adjustment, differences of view, confrontation and, in tragic moments, violence. Elements of frustration and disappointment are built into the very nature of our relations with this diverse world. We should be careful in not translating these frustrations and disappointments into the notion that our leaders are either knaves or fools.

In any event, Mr. Chairman, this great nation of ours has survived 40 Presidents, 60 Secretaries of State, and almost 100 Congresses, and we shall survive those who take office next January. Looking back over this post-war world, there have been mistakes and disappointments, but by and large, the American people have shaped their relations with the rest of the world on the basis of responsibility, restraint, and a measure of generosity.

Despite all of the Doomsday talk with which our young people are being battered these days, in August we shall be able to say that we have put behind us 39 years since a nuclear weapon has been fired in anger, despite many serious crises we have had since 1945. I for one approach the bicentennial of our Constitution with a sense of awe and respect and gratitude to those great men who fashioned this rather illogical and difficult system of ours. Perhaps they built better than they knew.

RESPONSES TO WRITTEN QUESTIONS SUBMITTED BY CHAIRMAN ROTH

Question 1. Very often, under the pressure of day to day developments and decisions, members of the government lose sight of overall policy. I have often wondered whether foreign policy, in reality, should best be described as a proactive set of principles which form the basis of our international posture, or simply as the sum total of a host of discrete decisions made over the course of the year by mid-level officials. If the latter were the case, it might account for the fact that, in retrospect, the foreign policy which we have practiced, on occasions, appears inconsistent with the policy which we have professed.

Could you express your opinions on this observation?

Answer. It is fashionable in some circles to seek or ask for a "concept" which will draw our foreign policy actions into a consistent whole. I myself am skeptical about the utility of easy and sweeping generalizations which are supposed to give direction to the mass of daily business we have with more than 160 other governments. I am impressed by the diversity of the international community; these countries simply are not going to squeeze themselves into some concept or other designed by the American people or American politicians. This divese world is filled with contradictions; this means that if our relations with each country are to be on a reasonable basis and in the American interest, our policies will appear to be contradictory at the verbal level because we are dealing with contradictory situations.

One might derive a description of policy deductibly by dealing with some general propositions or one might reach propositions by inductions from observations of the things we actually do. Broadly speaking, I prefer the inductive method even though it is more difficult to understand or even describe.

Below the level of soaring generalizations are a number of guidelines which are well understood throughout the government and which serve as direction for those who send out many of the 3,000 cables on every working day from the Department of State. There are dozens of these guidelines, but I have never seen them articulated. I might try an article about these some day. I have in mind, for example, the settled American policy that we comply with our treaties. The United States alone has more than 7,000 treaties and agreements with other nations. In the course of any single year something like one percent of these treaties will come up for discussion between the United States and another country as to whether we or they are faithfully carrying out those treaties. Another guideline is that the United States has a strong preference for the peaceful settlement of disputes rather than the use of force and violence. That does not mean that every dispute which occurs in the world is our responsibility, but the weight of American policy has been thrown over the years behind the processes of peaceful settlement. Another such guideline is our interest in promoting trade; since Benjamin Franklin first went abroad for the American Colonies, one of the objects of our diplomacy has been to promote trade with other countries. Still another such guideline is the inclination of the United States to be helpful in the event of a disaster or natural catastrophe somewhere in the world. Obviously, we hope that other nations who are in a position to help will lend a hand where such events occur, but the disposition of the United States has been to try to be helpful. There are many more such guidelines which do not lend themselves to easy generalizations, but which do infuse American policy at all stages. I might also add that these guidelines operate with the leadership of both parties because they simply derive from the kind of people we are and the kind of world in which we live.

I have seen a good deal of writing which deplores the absence of a kind of "concept" for our foreign policy. But I cannot, at the moment, think of any of these writings which proposes a concept for us to look at. I must confess that I doubt the possibility of producing such concepts which fit more than 160 nations and which provide any useful guidelines for those who must decide what we shall do tomorrow morning at 9 o'clock.

Question 2. As I mentioned before. the distinction between our foreign policy and economic policies now has become extremely blurred. Some of the major foreign policy questions of the day are, essentially, economic in nature.

Has the State Department adapted to these changing circumstances? How would you rate the quality of the "economic cone" of the career foreign service? It is considered to be a "poor relation" to the more traditional political cone?

Answer. I agree that economic factors are major elements in our relations with the rest of the world. I do not agree with those who try to explain all events in economic terms because human behavior does not limit itself to the reactions posited by economic theory. It is true, however, that the policies of the more than 160 members of the international community are heavily influenced by their economic situation, their ability to improve steadily the lives of their own people, their ability to earn foreign exchange with which to pay for their necessary imports and other such considerations.

The capacity of the Department of State in economic matters varies from time to time. During the 1960's I was very fortunate in having very strong assistance on economic matters. My own deputy, Mr. George Ball, is now a senior partner in Lehman Brothers. My Assistant Secretary of Economic Affairs was Mr. Anthony Solomon, now President of the New York Federal Reserve Bank. We worked closely with Mike Blumenthal, who was deputy to Mr. Christian Herter as the President's Special Trade Representative. We had professional officers of great competence in the economic field such as Ed Martin.

The capacity of the Department of State in economic matters has somewhat eroded because economic functions and responsibilities have been stripped away from the Department and placed elsewhere. The Department of Commerce and Labor have their own "foreign service." Trade negotiations have been placed in the hands of a Special Representative of the President. The Treasury Department is primarily responsible for our participation in the World Bank, the International Monetary Fund and certain other international financial institutions. At the moment I am not debating whether this is the right way to organize the government for handling international economic issues. I would merely comment that with a dimunition of the responsibilities of the Department of State, the competence and prestige of its own economic officers would appear to diminish. Even so, I think that you would find that there is impressive economic competence in the professional ranks in the Department of State. It is also my observation that those members of the Foreign Service who have distinguished themselves in economic matters have an open chance to becoming Ambassadors and are not discriminated against on behalf of those who have concentrated on political matters.

The major issues of the world become an indivisible whole and one must always take into account political, geographic, security, economic, social, cultural and other factors in dealing with the real world in which we live. It become necessary to try to divide up this indivisible whole because dealing with the whole all at one time is perhaps beyond our reach. However, any attempt to divide up the indivisible whole into fragmented responsibilities always has within it a certain lack of logic. One finds this problem in the Congress as it seeks to allocate responsibilities to its many committees and subcommittees. I see no easy solution to this problem. I myself have lived through many reorganizations in Washington and have become quite skeptical about the value of reorganization as such. Whatever one has, something else always looks better. The essence of the matter is to try to find people of the highest competence to deal with the issues before us; when that is achieved, problems of actual structure become secondary in importance.

Chairman ROTH. The committee is in recess.

[Whereupon, at 12:07 p.m., the committee recessed to reconvene at the call of the Chair.]

RELATIONSHIP BETWEEN CONGRESS AND THE EXECUTIVE IN THE FORMULATION AND IMPLEMENTATION OF FOREIGN POLICY

TUESDAY, JULY 31, 1984

U.S. Senate,
Committee on Governmental Affairs,
Washington, DC.

The committee met at 10:08 a.m., in room SD-342, Dirksen Senate Office Building, Hon. William V. Roth, Jr. (chairman of the committee) presiding.

Present: Senators Roth, Stevens, Cohen, Nunn, Glenn, and Bingaman.

OPENING STATEMENT OF CHAIRMAN ROTH

Chairman Roth. The committee will come to order.

This is the second in a series of hearings on the relationship between the President and Congress in the formulation and implementation of foreign policy.

The purpose of these hearings is neither to criticize the specific policies of this or any other past administration, nor is the purpose to, in any way, second guess the very difficult decisions that the President and his foreign policy advisers must make every day as they fulfill the duties and obligations of their office.

Our purpose is to examine practical steps that can be taken to improve the climate, the procedures and the organization from which foreign policy decisions are made. Our goal is better cooperation between the Congress and the executive, and the reestablishment of a bipartisan consensus so necessary for an effective foreign policy.

James Madison long ago stressed the point that in internal affairs the United States should enjoy diversity of views, while in external matters—in matters of foreign policy—we should speak to the world with a single voice. This is not to say that disagreement and debate are bad. On the contrary, what I call creative friction is helpful—in fact, indispensable—if we are to develop the best policies for this country. But when America speaks to the world, it should sound like a choir—many voices singing the same song.

In the last decade and a half, relationships between the President and the Congress in the area of foreign policy have become seriously strained causing confusion both at home and abroad. As a nation, we cannot afford to allow these strains and frictions to grow to the point of outright rupture. These hearings begin the process of examining how the two branches of Government are organized, and how they relate and communicate with each other. What I hope we can achieve is to identify and recommend changes in organization and procedure that will help contribute to the reestablishment of bipartisan consensus that has served us so well in the past.

Last Wednesday, we focused on the relationship between the President and the Congress. We heard from the very distinguished senior stateman, former Secretary of State Dean Rusk, who spoke eloquently on the relationship between the two branches of Government and the need for mutual sensitivity and respect as the two branches develop foreign policy. He made a strong case for greatly increasing the opportunities for Members of Congress to interact and question executive branch officials on important policy issues of the day.

Governments of other countries routinely provide opportunities for the legislature to question executive officials on foreign policy matters. At one time not too many years ago, we used to do the same thing. During Secretary Rusk's tenure, regular foreign policy briefings were a routine part of a Congressman and Senator's schedule. I have already talked with Secretary Schultz about the possibility of reestablishing these meetings as a practical step to improve the flow of information and understanding.

Problems in foreign policy formulation occur not just between the two branches of Government, but also stem from the organization of the executive branch itself.

I call now on my colleagues for any comments they would care to make. Senator Stevens.

Senator STEVENS. No comment.

Senator GLENN. No comment; I just want to welcome our witnesses this morning.

Chairman ROTH. We are particularly pleased to have as our first witness my good friend and most able colleague, Arlen Specter.

TESTIMONY OF HON. ARLEN SPECTER, U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Senator SPECTER. Thank you very much, Mr. Chairman. I very much appreciate the opportunity to appear before this distinguished committee this morning on this very important subject. I heard about these hearings only yesterday, so I come unencumbered by text to give you some of my views on a subject I have worked on and have thought about over the course of the past 3½ years.

I feel somewhat reluctant to usurp the lead position over Dr. Brzezinski who has exhibited such expertise in this field, and I just said to him that this is one of the modest compensations for the all-night sessions which U.S. Senators have to engage in—to appear first at hearings. But I shall endeavor to be relatively brief.

Mr. Chairman, members of this committee, I believe that this hearing and this subject matter is of enormous importance, and I commend you and am delighted to see this matter considered at this time. I am not sure about what the conclusions ought to be as to how much authority the Congress ought to be exercising in foreign affairs, but I am sure that the Congress ought to be considering that question, deliberating about it and acting out of thought and judgment as opposed to simply reacting when an emergency occurs as when we considered the war powers resolution in September 1983.

On the Lebanon incident, it seemed to me that our deliberations were much too hurried, much too under the gun, and once that issue had passed the matter faded into the background and no longer attracted the attention of the U.S. Congress, and I thought that was wrong. That is why I am so pleased to see these hearings today.

I have introduced legislation on this subject, Senate bill 2670, which seeks to amend the War Powers Act and seeks to bring the Congress more closely into a key position on the use of American force which amounts to a declaration of war, because, in my view, we have been engaged in war which has been undeclared by the Congress in violation of the Constitution. I engaged in an extended colloquy with Senator Percy on the war powers resolution as related to Lebanon, and Senator Percy agreed that Korea was a war and that Vietnam was a war and that, in fact, Lebanon was a war, all of which had been engaged in without a congressional declaration.

My own sense is that the most significant lesson that we learned from Vietnam, and we learned many, was that we could not engage in war without the backing of the American people. Right or wrong, for whatever reason, whatever focus of publicity, or whatever the underlying merits were, the American people did not support the war in Vietnam.

It is my judgment that the Founding Fathers were preeminently wise in trusting to the Congress the authority to declare war because the Congress is so much closer to the people than is the executive branch, and that is a necessary consequence of the fact that the President is one, his advisers are few, and they spend most of their time in Washington. They do not have the obligation, or perhaps the necessity, as we do, to meet the people. We know from our own schedules that we are constantly back home. We do it perhaps more out of political necessity than as a procedure for getting the public's view, but the consequence of the political necessity is, in my judgment, that those of us in the Congress do know what the people are thinking about.

During the course of the past 3-week recess, I spent most of it, as all of us did, back home. I have been in every one of Pennsylvania's 67 counties having open house town meetings, and everywhere I have gone I have heard grave concern—small groups of people, well read and intelligent, concerned about the arms race. They are concerned about Presidential powers to engage in war, concerned about our policies in Central America.

I agree we cannot have 535 Chief Executives or Presidents, so that there has to be the executive function in the President, as the Constitution declares. But the corollary, in my opinion, is that Congress really has the pulse of the people, much more so than any Chief Executive can and that is why the Constitution grants the Congress the authority to declare war. You can only have a war if there is going to be popular support for the war, or the kind of military action which is tantamount to war.

The essential change that my bill, S. 2670, makes is to establish a procedure for the Congress to respond in time of an emergency. My bill would authorize the President to respond militarily in the case of attack, in the case of jeopardy to U.S. citizens or to U.S. military personnel around the world, or to protect vital U.S. interests where the Congress cannot respond in time.

This bill makes an effort to define emergency congressional action. Again, I do not represent this to be the last work, nor, for that matter the first work, only a definition where we can discuss the matter and focus some attention on it. What this bill proposes is that each House would have 2 days to decide on the issue and 1 day for conference, to establish a parameter of 5 days where the Congress can act on an emergency basis. If action is required in less than 5 days, then the Chief Executive, the President, would continue to have the power to act without congressional intervention.

The experience in Lebanon, it seems to me, illustrates the desirability of the Senate and the House not having the responsibility to make the decisions and then being free to criticize the decisions after they are made. I do believe it is, if not in a calculated sense at least in a reaction sense, a position which those of us in the Congress enjoy and perhaps do not want to change. We don't have the responsibility for responding immediately, but we have the luxury of criticizing afterward. There were many voices that spoke out after the President acted in Lebanon saying, "Well, I didn't agree with the President when he acted, but once he is there, I will not disagree to the extent of compelling a withdrawal of the 1,600 marines who were sent there."

The military action in Grenada was a very important and fascinating action, and perhaps a subject which ought to bear some analysis as to whether the Congress could have had some input on that action.

The congressional leaders were notified, and had a meeting at the White House. As Senator Baker said to us who met on Tuesday for lunch after the incident had occurred, they were notified in secret fashion and went to the White House that Monday even before the 5 a.m. Grenada military action. They were not consulted, they did not have input, as I understand it, but were advised.

The thought came to my mind: What if there had been a convening of the House and Senate—close the doors and debate the matter and have a vote on it. Perhaps we are not competent to do that. But that is a subject which I think is worthy of some analysis and some consideration. Had we done that, we probably would not have been sufficiently trustworthy, so the media would have been excluded from our deliberations.

It is pretty hard to have that kind of a process. Perhaps we could do it, perhaps we could arrange our affairs to deliberate in the course of 10 hours without having it leak out—if it did leak out, then the casualties would not have been as light as they were. We would have to consider whether it would be worth paying the price for more casualties to have congressional action. Or perhaps congressional authorization is not necessary in a matter like Grenada which is both successful and speedy. If it is successful, it is relatively unquestioned, and if it is speedy, obviously, it is over before there is an opportunity to question. Perhaps Grenada was an illustration where the President properly acted without any greater congressional involvement than was the case.

We recently had an experience with the issue of the Stingers where I believe the Congress should have acted and exercised its review authority, where the Congress did not so act. The issue of the Stingers arose where the President exercised his emergency powers to make the sale of the Stingers after many Senators had stated by letter to President Reagan a contrary view that the Stingers ought not to have been sold. We had hearings before the Foreign Operations Subcommittee on this subject, and I, for one, questioned the necessity for emergency action by the President—whether it might not have awaited a 30-day interval. The sale was finely effectuated on May 28 of this year and notice had been given to the Congress on May 13 that the President intended to exercise his emergency powers. My own sense from the timetable is that there were more than 30 days that could have been allowed for congressional evaluation. But the President chose not to do so. But I believe within a 15-day period, from May 13 to May 28, there was ample time for us to have acted to express our view. If the law permitted our overruling the Executive decision, wherever *Chadha* stands now in that constitutional no-mans land, the procedures of the Senate ought to be so structured so that we could act within a brief period of time, certainly less than 15 days and perhaps as fast as 5 days.

When these issues are considered—and I had an informal discussion with Senator Stevens before the hearings were opened this morning—there is a real question as to what the Congress ought to be doing. We do not get all of our mandated business done through the appropriations process. I think that is plain. But it is not my sense that we fail to get that done because we are too busy to do it or have too little time to do it. I think we fail to get that done for a variety of other reasons. I believe we have sufficient time to exercise appropriate powers in the foreign affairs field, as on the sale of the Stingers, if we choose to do so, if we think it is appropriate and something where we ought to be in. We ought not to simply default on it.

I do not believe that it is sufficient for us to act solely within the appropriations process. I think that once the marines are in Lebanon, it simply is not possible for us to deny appropriations to the President to keep the marines in Lebanon. There is, I suppose, a clear-cut congressional power to deny appropriations, but I think it is unrealistic and impractical. I believe if we are to have any say, we have to be in the field earlier.

When I review the numerous occasions where the President has acted on his own without congressional authorization—there are many—it seems to me that those Presidential acts occurred in the day when communications were so vastly different as to be almost irrelevant. Today every American who is interested—and that is a great many Americans—have an opinion on what the President is doing, and there is a great public awareness in this field. There is more knowledge by the Congress as well, and more of a reason for Congress to make an evaluation and to decide on its own to what extent we should be in this field.

I concede immediately that the field is very complex, but my own deep sense is that the Congress has the constitutional responsibility as well as authority to declare war, and that we have not exercised our responsibility or our authority on the precedents I have mentioned.

I am delighted to participate in this hearing this morning and hope that it can focus some real attention by our colleagues in the Senate to come to grips with this issue. If we decide to leave it to the President, at least let it be a calculated judgment as opposed to advocation. My sense is we ought to be more in the field. Thank you, Mr. Chairman.

Chairman ROTH. Arlen, I appreciate very much your coming here today and presenting a very illuminating and interesting statement. You raise many points with which I have concern and interest.

I, frankly, am concerned that too much foreign policy seems to hinge on an appropriation, with all due respect to the Appropriations Committee. I have to say that one of my principal concerns is we have set up procedures, particularly in the budgetary area. Most of our attention is spent dealing with those problems, and as a result, we don't pay enough attention to the other responsibilities, including foreign policy.

So I would hope that one of the things Congress would address would be a simplification of the budgetary/appropriations process so that we can spend more time on basic policy issues; I am going to resist, if I may, today asking you questions because we do have a very distinguished speaker. But we will be holding a series of these meetings, and I personally look forward to continuing this dialog and want to thank you for your contribution.

Senator COHEN. I have a couple of questions.

Chairman ROTH. We have the early-bird rule. I guess, first, Senator Stevens.

Senator STEVENS. No questions.

Chairman ROTH. Senator Glenn.

Senator GLENN. I just have one. You concentrated your comments in the War Powers Act and the proposal you are making on that. I think a lot of our foreign policy today, in fact even maybe a majority is conducted by executive agreement. It makes it particularly difficult from this end of the avenue to put a range on things like executive agreements, which originally were supposed to be for the trade of a jeep for six cows, whatever—small matters that didn't need to come before the Congress.

Now we find much of our foreign policy falling into executive agreements which are very difficult for us to control. Do you have any comments on how that can be controlled in addition to the larger powers you are talking about under the War Powers Act?

Senator SPECTER. Senator Glenn, I suppose we could repudiate an executive agreement by legislation if we chose to do so. It would raise a constitutional issue as to whether it was an executive function, aside from congressional authority. The treaties the Senate has to ratify, the treaty is a form of executive agreement, but it is defined in a lofty status, so it has a constitutional place where it is not valid unless it receives approval of the Senate. It may be that some of these executive agreements are really treaties by another name.

Senator GLENN. That is exactly the point I make.

Senator SPECTER. We don't know that. That is a question of definition.

Senator GLENN. We do. They are all reported to us. It is just that an executive agreement is usually not looked at as carrying the weight of some of the more formal treaties, and yet we virtually run much of our foreign policy through executive agreements these days. We could discuss it at some length. I hope on some of our subsequent hearings you can come back and get into this in more depth.

Senator SPECTER. I address these as institutional issues and not relating to President Reagan because I support him, not only because I am a member of his party, but I agree with what most of what he has done—not all of it. But speaking on an institutional basis, if Congress would seek to nullify an executive agreement through legislation, the President could always veto it and then the Congress could seek to override the veto, and that would pose a constitutional confrontation as to whether the Congress had any business there initially. I suppose as a subordinate matter, we could raise by way of a legal issue, if it got to the court, that the President had no authority to enter into the executive agreement without submitting it first to the Senate for ratification. It would be an unwieldy process, but I think there is some legitimate room for some judicial intervention to break some of the deadlocks between the executive and legislative branch.

On this same subject, I and others have considered having a test case on the War Powers Act. There is a real question as to whether the War Powers Act is constitutional. All the Presidents since its enactment have contended that it is unconstitutional. It is a hard matter to bring before the court because of an issue of standing and issue of case and controversy, constitutional issues. Some of us have tried to structure having an unusual case taken by the Supreme Court so it could be decided in a deliberative, calm attitude as opposed to some confrontation where the Congress might decide to withhold an appropriation. We haven't been able to work that out. Challenge on the executive agreement, I think, from a lawyer's point of view, could be structured—that could be done.

Senator GLENN. I don't know that I want to challenge it necessarily. I see so many things. We have hundreds and hundreds of executive agreements each year, most of them concerning insignificant matters that don't make any difference anyway. Every once in a while there are a few that come through as monumental, as major treaties. I don't want to pursue it now, Mr. Chairman. I will be happy to pursue it at a later date.

Chairman ROTH. I appreciate that, Senator Glenn. Senator Cohen.

Senator COHEN. Just a couple of quick questions, Mr. Chairman. Senator Specter, you indicated that the President is only one man or potentially one woman with few advisers. But, that President happens to be the only person in our country who was voted for by all the people of the country. I don't think we should minimize that.

I assume those Presidential positions are well known by the voters at the time they go to the polls in November of this year and years past.

Second, there is a problem, in my judgment, in the extent to which Congress should be actively involved in the formulation of foreign policy, be it dealing with military policy or foreign policy in general. Have we gone so far that we have induced a kind of paralysis by virtue of the democratization of the institution itself involving foreign policy.

You mentioned, for example, in the field of telecommunications, because we are so well informed as a country, because we have such ready access to information by virtue of the television cameras and the news media, it raises a question as to what is the role of Senators, not only the President, but Senators. I don't want to go back and quote from Burke's speech to the Electors of Bristol, in view of the fact he made a wonderful speech and was defeated the next election, but it raises a question as to what extent we should merely reflect public opinion.

You indicated how close we are to our constituents, and we are. We can be removed as well by virtue of television, by virtue of C-span and others where you can sit there and everybody can have an opinion. Why have Senators—why not have direct democracy with each person having their own television terminal, as such, pushing a button and saying let's go to Grenada, let's not go to Grenada? You raise questions, but I think we have to put it in that context just by virtue of more people having more information. It calls for a reevaluation of our own rules in that context.

Senator **Specter**. The major problem I see on that, Senator Cohen, is all the people don't have C-span.

Senator **Cohen**. Within 5 or 10 years, let's say.

Senator **Specter**. If the Senate were on C-span like the House, that might be an issue——

Senator **Cohen**. Vacate your office at that point.

Senator **Specter**. It would be worth considering at some greater length. No, I would not vacate my office at that point. I would not vacate it voluntarily. I believe we have a very significant role to perform beyond the public opinion polls and beyond the statements of the people, and I have had a very lively discussion everywhere I have gone in Pennsylvania on the issue of the school prayer vote as to what is the role of a Senator in a representative democracy when there is such a clear statement that the constituency wanted to vote for prayer. I have quoted Bentham and others on representatives' role to do something more, and I think we have that role regardless of how there might been a vote by those with C-span.

I think we have a very significant role, and I think if we do it thoughtfully and in a careful way, it can be very constructive. I would disagree with you on one point you made about the President's position being well known at the time all the people voted for him. The President's position on Lebanon was not well known in 1980, nor could it have been known. It is something which evolved. I am not saying necessarily that we have to slavishly follow the public opinion on the subject. I just think that is a factor. Nor do I say the President should slavishly follow what the Senate thinks or the Congress thinks. But I think that is a factor.

And I am absolutely convinced that as a collective body, although none of us was voted for by all the people, but collectively we were and collectively we have a much closer touch on the public pulse as a factor to be considered, not the final conclusion, not determinative, but a very important factor.

Senator **Glenn**. Would the Senator yield? If you do that then you are turning your foreign relations and your voting here over to the news media in effect because they are the ones that determine much of public opinion. How the columnists handle an issue can determine what kind of opinion people have, and I wouldn't want to see us do that. There is a place for informed leadership and not just leadership of the masses by what the news media may tell them and not tell them.

Senator **Specter**. Senator Glenn——

Senator **Cohen** [interposing]. I withdraw my question. I want to hear Dr. Brzezinski.

Senator **Specter**. I want to restate my answer. I do not think the people pay much attention to the columnists.

Senator **Glenn**. Oh, I disagree with you.

Senator **Specter**. Well, OK, that's fine. I think that the people in this country gather their information from the networks very materially, but they also gather their information from a variety of other sources, and while it is not a perfect system, it is not a bad system. Certainly it is the best system we have.

Senator **Glenn**. I agree. I won't prolong this. When I said columnists, I meant the news media in general, I meant TV, across the board, presentation of particular issues by the news media to the public. That is where they get their opinions. They don't get it basically from us. They get it from the way our statements are interpreted to the general public. I wouldn't want to see the C-span vote be determinative as opposed to genuine leadership that has really studied these issues and determined what is best for the future of the country.

Senator **Specter**. Senator Glenn, I find in my travels that the people are well informed and are widely read and know a lot about Central America, the MX, the details on cruise missiles and the deficit, and it is a democracy. I believe those are factors to be considered.

Chairman **Roth**. The Chair doesn't want to cut this off——

Senator **Cohen** [interposing]. I want to inquire as to whether that is C-span covering us right now? I want to revise my comments if it is.

Chairman **Roth**. Senator Bingaman.

Senator **Bingaman**. I have no questions, Senator.

Chairman **Roth**. Senator Specter, thank you for being here today. There is no question but what you raised very provocative issues on which intelligent men can disagree. We look forward, as I said, to continuing this dialog at a later time. Thank you very much.

Senator **Specter**. Thank you.

Chairman **Roth**. At this time, it is my great pleasure to call forward Dr. Zbigniew Brzezinski who is extraordinarily well qualified to speak on these important issues before this committee. I am not going to take the time to enumerate all the many accomplishments of this distinguished scholar and statesman, except to point out he has served as the assistant to the President on national security matters; and has been a leading author of many articles that have been very provocative in the area of foreign policy. So I can't think of anyone better able to speak on the questions this committee is considering than this man with his tremendous background in academia and government as well. It is a pleasure and privilege to welcome you here today.

Senator STEVENS. Mr. Chairman, if I may interrupt. Zbig, I have to go to the floor for a few minutes so I am going to have to leave in the middle.

TESTIMONY OF ZBIGNIEW BRZEZINSKI, GEORGETOWN UNIVERSITY CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES AND FORMER NATIONAL SECURITY ADVISER

Mr. BRZEZINSKI. Thank you, Mr. Chairman; thank you for having me here. I do not have a formal statement to make, but I would like to share, if I may, some introductory thoughts with members of this committee.

These hearings on the proper relationship between Congress and the Executive in the foreign policy field cut to the heart of how democracy must function in the nuclear age. In other words, how do we as a people square our most precious possession, our democratic system, with our most vital interest, our national security.

It is not easy to mesh these two concerns for, in a sense, they do involve a basic contradiction. Under ideal circumstances, 535 representatives of the people should set the foreign policy of our Nation and supervise its implementation. I mention supervision of implementation deliberately for the fact is that the implementation of policy involves also the making of policy, almost as much as the process of the initial decisionmaking itself.

Yet we know that an Athenian type democracy would not work in this day and age. Indeed, the framers of the Constitution recognize that even under the most tranquil conditions of the late 1700's the Constitution delegated foreign policy making to the executive branch. It made the President responsible for the conduct of our national foreign affairs.

The prevailing conditions and the awsome dangers of the nuclear age have put a further premium on the rapidity of response, on the centrality of decisionmaking, on the covertness of some needed actions and even on some degree of duplicity in the area of publicly proclaimed intent. These requisites of the effective conduct of international affairs, rapidity of response, centrality of decision, covertness of action and even duplicity of intent clearly run into conflict with the traditional requisites of democracy.

There is no easy way of remedying this conflict, and I personally despair of the possibility of major institutional remedies. One can tinker with the system and one can make adjustments, but ultimately the issue is one of trust, confidence and a genuine sense of national direction in the area of foreign policy which permits policies to be undertaken in a setting of constancy, continuity and effective public understanding of the central issues.

To be sure, some formal improvements in the machinery or institutions could be made. For example, one could consider the creation of a regular executive/legislative forum for the consideration on a regular basis of our broad, national strategy. I personally feel that enlarged National Security Council sessions, bringing together the President, the National Security Adviser, the Secretary of State, the Secretary of Defense and the key congressional leaders from both Houses, as well as of the pertinent committees, would be a useful mechanism for a systematic review of our national strategy. I have in mind such sessions being held roughly once a month and dedicated to the periodic review of our national strategy, but without becoming overly involved in tactical operational considerations. I believe that such a consultative mechanism would help to develop a shared sense of direction, which is the point of departure for mutual trust, and also for the willingness then to dedicate to the executive branch greater flexibility and discretion in the choice of tactics.

For example, if such a body existed prior to our recent involvement in Lebanon, it would have had the opportunity to discuss at some length the foreign policy premises of our involvement, the military purposes of our involvement, and then make a general judgment regarding the overall viability of enterprise.

Another institutional adjustment which might enhance executive-legislative cooperation in the area of foreign policy is to permit the National Security Adviser to testify regularly before congressional committees. This could be done either by making the post of National Security Adviser subject to senatorial confirmation or perhaps simply by establishing the practice of tendering regular invitations to the National Security Adviser to make informal appearances before appropriate congressional bodies.

When I held the post of National Security Adviser, I met occasionally on an informal basis with congressional committees, and I found that extraordinarily helpful in fashioning a wider understanding of our national security policy. However, it would be better to formalize such an arrangement because other governmental institutions tend to be extremely turf conscious and, in my case, the State Department was always extremely jealous of its prerogatives and would object to direct contacts between myself and Congress.

While desirable, the above institutional adjustments would not remedy the situation, if the country, in a larger sense, remains polarized on foreign policy issues. National polarization tends to introduce distrust, division, partisanship and eventually extremism into our national discourse on foreign policy. Indeed, in recent years, partisanship has tended to dominate much of our debate on foreign policy issues, the center of gravity within each political party on foreign policy issues has tended to shift to the extreme. In the Democratic Party, toward an escapist neo-isolationism, and in the Republican case toward a form of militant interventionism.

The breakdown of our national consensus on our foreign policy has also precipitated major injection of Congress, not only into wider strategic concerns, which is its natural prerogative, but also into narrower tactical concerns pertaining to foreign policy. This has inhibited effective diplomacy. I have in mind, for example, the congressional legislation on the question of Israel's capital or in the area of intelligence—where the leaks have been damaging—or even in the maintenance of a sustained defense buildup with perennial rebates over particular weapons systems or deployment modes inhibiting long-term defense programs.

This condition can be overcome only if we make some genuine effort to restore some degree of real bipartisanship in our foreign policy. It is bipartisanship which makes responsible executive relations possible by generating genuine coordination and cooperation. Bipartisanship is not a slogan; it is a practice, and as a practice it must be deliberately cultivated, especially by the President. In my view, the restoration of bipartisanship will require a deliberate effort on three levels: on the level of rhetoric, on the level of policy, and on the level of people or appointments.

With regard to rhetoric, it is important to stress those elements of continuity in our foreign policy which do exist and which tend to be obscured by partisanship debate. Yet, it is important for a country like the United States to project continuity to the world, and it is also important for our national understanding of foreign policy issues for the country at large to have the feeling that our foreign policy is predicated on certain lasting and enduring assumptions.

Second, on the related level of policy, it means a deliberate choice of moderate policies capable of being sustained by the moderate spectrum of our public opinion. We simply cannot afford, as a nation, to be swinging from one policy to another with a consequence that we hardly even talk these days of American foreign policy as such. Instead, we tend to compare Mr. Reagan's foreign policy with Mr. Carter's foreign policy with Mr. Nixon's foreign policy with Mr. Kennedy's foreign policy, et cetera. Yet the foreign policy of a great nation should not be personalized to that extent, and it certainly should not involve zigzags from one administration to another.

Finally, bipartisanship involves the deliberate recruitment of people from the opposite party to serve in actual decisionmaking. Our policy would only be bipartisan if it is shaped on a bipartisan basis, and this means that our Presidents should make an effort reminiscent of President Truman's and of President Eisenhower's to recruit leading figures of the opposite party to serve in the policymaking processes. If Mr. Reagan is reelected, for example, I think a giant step toward a bipartisan defense policy would be taken, if he is prepared to appoint someone like Senator Nunn to the post of Secretary of Defense. If Mr. Mondale is elected President, I think a giant step toward bipartisanship in foreign policy would be taken, if he was prepared to appoint someone like Senator Howard Baker to the post of Secretary of State.

The important thing to bear in mind is that our system of checks and balances works well only if it is imbued with a spirit of cooperation. Confrontation in the setting of a system of checks and balances produces paralysis.

In brief, there is no ideal solution in a democracy regarding the sensitive relationship between the executive and legislative branches, but that system can work best if a spirit of consensus and a shared sense of historical direction is deliberately fostered by those responsible for shaping national policy. With the Presidential elections now in progress, it is all the more important for both the legislative and the executive branches to make a very concerted effort to fashion again that which we have not had for some 20 years—a genuinely bipartisan foreign policy supported by the moderate center of the American electorate.

Thank you, Mr. Chairman.

Chairman ROTH. Thank you, Dr. Brzezinski. One of the reasons I called these hearings is that it seems to me that the time is ideal or right for the reemergence of a bipartisan consensus. It seems to me there are many reasons to believe that we are at the end of, shall we say, the Vietnam-Watergate syndrome, and we have an opportunity to build a more positive, constructive approach in this area.

One of the things that has interested me in your testimony, which was also stated by Secretary Rusk when he was with us last week, is the need for better communication between the Congress and the executive branch. You have proposed, perhaps, opening up the National Security Council meetings once a month to a broad participation by Members of Congress, as well as the executive branch. Secretary Rusk has suggested perhaps a somewhat less ambitious proposal that there be regular weekly meetings on the Hill between the—he was talking primarily about the State Department and Congress.

When I was in the House and he was Secretary of State, there was a weekly meeting at which either he or other members of the administration would appear, including the American ambassador. I think it helped develop a better understanding of those who were not members of the Foreign Relations Committee or the Armed Services as to what the administration was seeking to do.

I don't know if you care to comment on that or not, but it does seem to me there is a very strong agreement that some kind of a better mechanism for communication is necessary long term.

Mr. BRZEZINSKI. Yes, Mr. Chairman, I think there is genuine need for a consultative process about the basic direction, the strategic purposes of our policy. I welcome Secretary Rusk's suggestion for a weekly meeting between the Secretary of State and pertinent members of the legislative branch, but my feeling is that this is not as of itself sufficient because the fact of the matter is that these days, the Department of State does not make foreign policy. Foreign policy is made by the President in the White House in consultation with the Secretary of State but also the Secretary of Defense, with the military chiefs, the national security adviser, and so forth, and last but not least, also taking into account our domestic poltical conditions.

This is where the President really, if you will, bridges the domestic and the foreign aspects of our political process. And, hence, the development of any shared consensus between the executive branch and the legislative branch has to involve the White House, and in some fashion the President and his principal advisers.

What I have in mind—just to enlarge upon what I said in my statement, are not formal National Security Council meetings at which decisions are made, because I do not believe that the distinction between the executive and the legislative branches should be blurred and, one would not wish to embarrass the legislative leaders by having them participate in Executive decisions, but regular sessions once or so a month in which the basic premises, assumptions, goals and strategies of our foreign policy area systematically evaluated and discussed. And intelligence, political concerns, diplomatic concerns, military preoccupations are brought to bear on the problem in a larger perspective.

If we were to do this on a regular basis, I think over time we would begin to re-create also some degree of the spirit of bipartisanship. I am not sure if I am quite as optimistic as you are, Mr. Chairman, that the division our country engendered by Vietnam and Watergate has come to an end. I sense in some of our current debates on Central America, on defense issues, on the management of the complicated relationship with the Soviet Union, a continued existence of a significant split in the country, and, hence, I think it is all the more important what you are trying to do to be successful.

Chairman ROTH. I would like to go to the matter of national security because some people have contended that the organization of the executive branch, particularly if you have a strong national security adviser in formal terms as well as a strong Secretary of State, necessarily creates division within the executive branch itself. It appears that the problem of developing a consensus is not only one of the relationship between the executive branch and the Congress but the problem of ensuring that there is agreement and consensus within the administration itself.

It is my understanding that in some of your writings that you have proposed that the Secretary, or the adviser, man or woman, whoever the case may be, would coordinate national security of which diplomacy is only a part. We also have a problem of national defense, and the matter of intelligence.

It seems to me that in the years ahead, domestic matters—the economy, world trade, international monetary policy—will be of critical importance. How would you ensure that aspect of international policy would be coordinated within your framework?

Mr. BRZEZINSKI. Mr. Chairman, the President has considerable discretion in determining who participates in the decisionmaking process that he directs. It seems to me that most foreign policy issues do touch, as you rightly point out, on international economics and, hence, in most cases, I would think that the participation of the Secretary of the Treasury, perhaps also the Director of the Bureau of the Budget and Management, in discussions of foreign policy would be most desirable. They should take part.

When I was involved in the White House, very often they did take part. I would think that in any executive-legislative consultations of the kind that I would envisage being held on a regular basis, they would take part and presumably the pertinent legislators with a special interest in that area would be in attendance in most cases.

Chairman ROTH. I don't intend this to be a hostile question to your proposal. But if we follow your suggestion and made the Adviser subject to confirmation, and if the President would appoint as a normal matter a professional diplomat as Secretary of State, aren't you in a sense making a major shift in power in the executive branch? Would that not in effect make the National Security

Adviser the chief or primary spokesman making national security policy?

Mr. **Brzezinski**. Let me preface my answer by saying that proposal is not central to the issue we are discussing today. It is something that has come up in other circumstances as well, though I do continue to believe that it has merit. As far as the question you have posed is concerned, you say, would it not in effect make the National Security Adviser the chief spokesman and the principal figure in the national security-making process, my answer would be that with the emergence of foreign policy being so centrally and so immediately critical to our national survival, with the timespan being so compressed in the decisionmaking, and with the interrelationship between diplomacy, defense and intelligence now being so intimate, it is inevitable that central decisionmaking gravitates and has gravitated to the President. And that has been the trend since America's entrance into the world on a massive scale after World War II. There have been on occasions some diversions but the trend has continued toward the great concentration of authority in the hands of the President.

Given that, it is inevitable that the person closest to the President whose job it is to coordinate the three principal departments dealing with all aspects of foreign policy—State, Defense and Intelligence—assume a very major role. I think it is better that role is formalized rather than if it remains informal and ambiguous. The fact of the matter is that in recent years, to be specific about it, Mr. Kissinger or I did what we did in the White House because our Presidents wanted us to do what we did, and yet when we did it, it was a source of controversy because our roles were informal and not clearly defined, inherently ambiguous and the performance of these functions created resentment and misunderstandings. I think we would all be better off if the arrangement was formalized and clarified.

Chairman **Roth**. Let me ask a couple more questions and then I will turn it over to Senator Glenn. Much of our actions in the Congress really are with respect to an appropriation amendment, often to cut off money to show our disapproval. Rarely do we take a positive standing, debate, as say, in Central America, as to what our role should be and pass a resolution setting forth what we think that policy should be.

In other countries, particularly some parliamentary countries, as for example I understand in Sweden, they, once a year, debate foreign policy—the administration submits their policy statement and that sets forth debate in the parliament.

Do you think it is practical or helpful to try to establish some kind of procedures whereby either Congress would periodically debate foreign policy or, in the alternative, it might consider a specific resolution with a region of critical importance? Or would that just muddy the water in your view?

Mr. **Brzezinski**. I would have to give it further thought, Mr. Chairman, than the quick response I will give you right now. But my feeling would be, and I have toyed with this idea, that it might be useful for the President, in addition to the State of the Union message, to give not a written report like Mr. Nixon used to give to Congress, which was too lengthy and too detailed, but an articulate statement paralleling the State of the Union Message in the form of a report or speech to Congress which would be a point of departure for some serious discussion and evaluation.

To the extent that the United States is now centrally involved in the world and the world impinges so heavily on us, I do think we have more of an obligation than perhaps we realize to think very seriously about the nature of America's relationship with the world. How do we handle that relationship? What do we strive to achieve? How do we apply our leverage? These issues tend to be discussed very sporadically.

I think some mechanism which would engender a more serious national discussion at times of America's relationship with the world would be useful. My hope would be if we could have the kind of consultations that I recommend once a month or so on a regular basis, we would develop an ongoing dialog between the executive and the legislative branches regarding the basic premises of what we are doing in the world. That could be capped by a major Presidential statement which would then be the basis for al legislative review, discussion and debate.

Chairman **Roth**. It has been my concern that too often when we act it is when tempers are high and we really cannot evaluate the matter on a long-term basis. One of the possible advantages of having some kind of debate in Congress periodically in the international area is to help inform the constituency back home. I also think the media and the people back home do play an important role today in foreign policy, whether one likes it or not. It is inherent in our democracy. So this is one way, I suppose, of helping educate all of us in this area, which is extraordinarily complex. My time is up. I will call on Senator Glenn.

Senator **Glenn**. Thank you, Mr. Chairman. I found your statement very interesting. I wanted to clarify one thing before I get on to some other questions. As I understood it, you said the execution of foreign policy should have four basic characteristics. One was rapidity of action, capability of rapidity of action, centrality of decisionmaking was necessary. A third was covertness of action, and if I understood the fourth properly, it was duplicity of intent.

Mr. **Brzezinski**. Some duplicity.

Senator **Glenn**. That one stopped me a little. I would like you to expound on that duplicity of intent.

Mr. **Brzezinski**. I was very conscious when I said this that it might be misunderstood. The point is sometimes when you are pursuing an objective in diplomacy or in foreign policy more generally, you cannot state openly what your objective is, and yet you have to seek it. In a democracy this is particularly difficult. If we have closer consultations between Congress and the executive branch, some misunderstandings, which are inherent in this imperative, might be avoided.

To give you an example, which I will make abstract we may seek to improve relations with country A as a means of putting pressure on country B, but we may not wish to proclaim the purpose of seeking to improve relations with country A is essentially to put pressure on country B. First of all, it would probably antagonize country A; it would make that achievement of the objective more difficult; it would also even further antagonize country B. And yet it may be in our national interest to do so. It would be easier, I think, to deal with this problem in a setting of closer consultations than if we have to proclaim publicly things which we do not believe in or publicly proclaim our true intent which would be counterproductive.

Senator GLENN. Would you carry this duplicity of intent into relations with the executive and legislative branches?

Mr. BRZEZINSKI. That is exactly what I am trying to avoid.

Senator GLENN. That is exactly what I am trying to know.

Mr. BRZEZINSKI. As you know, from your own experience, some relationships with some foreign countries entail arrangements which go beyond which is openly proclaimed, and yet it is necessary, but it is very important the Congress know about it, sometimes in an informal fashion.

Senator GLENN. I don't know how, with things working in a practical de facto way, you can carry out that kind of policy and have Congress involved in it, informed of it, and still have it remain your third point, covertness and, fourth, still have a duplicity of intent that would be productive anyway.

Mr. BRZEZINSKI. I frankly think that informal relationships of trust and confidence work much better than formal requirements of secrecy. We do have some formal requirements of secrecy, for example, in the congressional intelligence committees, but at times these do not work in a foolproof fashion. If there is a relationship of trust and confidence which can be engendered over a period of time, I think it works very well.

Senator GLENN. I think when you said that formulation of our foreign policy should include duplicity of intent right from the outset, we have to define that very carefully or we are on very thin ice.

Mr. BRZEZINSKI. Senator, we are dealing here with matters we all understand well. I know in terms of the Democratic discourse, any reference of duplicity of intent doesn't wash well, but we also know in the real world, particularly in diplomacy, national security, some degree of it is necessary.

Senator GLENN. Perhaps, and I won't pursue this any further. I think we have to go very carefully down that track if we are not to become just like some other nations in the world that the rest of the world does not trust. We operate our Government in an open fashion as much as we possibly can. Occasionally there is a case for covertness, obviously, but duplicity, that is a whole different bag here that I would question how much the United States wants to get into if we are to remain a beacon of moral persuasion and steadfastness in this world. That one sort of jumped out at me.

Mr. BRZEZINSKI. I understand your concern and certainly want America to be trusted, but I also don't want America to be laughed at as being naive.

Senator GLENN. Maybe the price of democracy and being open is being laughed at sometimes.

Mr. BRZEZINSKI. Sophistication and democracy don't go in conflict, necessarily.

Senator GLENN. I won't pursue that any further right now.

Meetings of leadership, I don't think meetings of leadership any longer will do it because we don't have—with all due respect to our elected leaders here in the Congress, the majority and minority leadership here—they no longer have the clout they once did. They can set the schedules of what comes to the floor, but we basically have 535 Secretaries of State here on Capitol Hill. Every Member of Congress is no longer as beholden to the party to keep him lined up as we once were here. I think back in the days of Vandenberg and, as you very properly pointed out in your CSIS speech of April 4, you pointed out that probably we haven't had a bipartisan foreign policy since we got beyond that period from 1945 to the mid-1960's. Since then, we have tended to proliferate into all sorts of weird directions and have not had a bipartisan foreign policy. I would agree with that completely.

I would also say that has come at a time when party structure has weakened down through the years and we no longer—we don't have the patronage, they can't keep people in line so we feel much more beholden to the people back home than we do to a party structure that will let us operate, get the committee assignments we want and the things we might personally want right here.

So I think with that being the fact, and with us now being 535 individual inquisitors here on Capitol Hill as to what is correct or incorrect in foreign policy, I have wondered about the idea of having a task-force concept on Capitol Hill. In effect the NSC itself is a task-force concept. It is supposed to coordinate the functions of Defense, CIA, State, all of them at the White House level. It would seem to me we perhaps need that same kind of approach here, not saying we just call down House and Senate leadership for an occasional meeting at the White House, even if it is everyday, because that isn't going to work. If we had more committees involved here with members of those committees involved in a task force, it seems to me it would be more analogous to what the NSC itself is and provide a focal point for working back and forth on a much closer basis than we have had in the past. I wonder what your response would be to that, rather than just going to the committee leadership now.

Before you answer, let me add one other thing. I am on the Foreign Relations Committee. Sam Nunn and Bill Cohen are on the Armed Services Committee. Sam and I have tried to work back and forth very closely, through the years, because I think quite often we on foreign policy in the Foreign Relations Committee are making pronouncements that require some military followup if we are to be serious about it. On the other hand, they are over buying weapons systems that may determine foreign policy in itself, so we don't work closely enough together, not nearly closely enough, as far as I am concerned. There should be joint meetings of our two meetings. Half our meetings should be joint meetings. I wouldn't even object to combining the committees, as far as that goes, because I think they are that closely related. I think short of having something like that, I think a task force concept where Appropriations is part of it, they are going to have to come up with some money, Foreign Relations, Armed Services, have one or two members of each of those committees who can be a sounding board of what is acceptable on those committees that would be a congressional counterpart, perhaps, to what NSC is in the executive branch.

I have never heard that suggested, but it is an idea we have talked about some in my office that I think might be productive. I would like to have your comments on that.

Mr. **Brzezinski**. Senator, I think your idea is very imaginative, and I think potentially very constructive. In my own statement, I have not tried to go into the question of how the executive branch should organize itself by itself nor how should the legislative branch organize itself by itself, but rather on the relationship between them. But addressing myself to the point you have raised, I do think that greater coordination and integration within the legislative branch, just as within the executive branch, is needed and the task force concept that you advocate may very well be a very good device for improving the needed coordination and integration of debate, discussion, end decision. So I find it a very constructive suggestion.

In so far as this consultative mechanism of which I have spoken, this enlarged consultative NSC monthly meeting, I fully accept your criticism in the sense that we are no longer dealing with a centralized disciplined legislature, as was the case in the past.

I am very much aware of the fact that by itself would not solve the problem. That committee chairmen, congressional leaders cannot deliver others as they did in the past. I still think it would be a step in the right direction, it would improve the situation because there is, in my judgment, as an observer currently and as a participant recently, a real gap in our relationship. We really don't discuss the underlying premises, assumptions and directions of foreign policy. We do occasionally consult when the problem arises.

I participated in many meetings in the Cabinet Office or in the Roosevelt Room where the President would consult congressional leaders, and you have been there yourself in a crisis. But that would be a response to a problem when it arose. He, in effect, would be saying here is the problem, here is the challenge, this is what we are going to do and ask for your help. He would appeal to your patriotism, to your party loyalty to support the President. That is good, good enough, but not sufficient. I think we need much more of a systematic engagement on a protracted basis of congressional leadership in the basic assumptions of what we are doing in the world that we have to find some way of enhancing that process, and that is what I am trying to suggest here for this modest proposal.

Senator **Glenn**. Do you think we could have what in Parliament in Britain is the morning question period? Is there something we could learn from that here? In fact, if the Presidential sweepstakes this year had worked out differently, one of the things I planned to explore somewhere down the line was the possibility of the President or Secretary of State, NSC, appearing before the whole Senate and discussing foreign policy and going before the whole House and discussing foreign policy and doing it in an open fashion where there is questioning back and forth. General aspects of foreign policy, it seems to me, could be brought up on that kind of a basis and make everybody feel as though they are part of the team, which they would be, and not just a sham but a real discussion of ideas and things of a general nature.

When you get down into specifics, then I know you get into the covert part of this where you couldn't do that in open session. Do you think anything that grand would work or would that be counterproductive?

Mr. BRZEZINSKI. I don't think it would be counterproductive, but I am less confident that it would be productive. I participated in some sessions, not exactly as outlined by you, but similar in form, in the White House itself to which we would invite 200 or so Members of Congress, of the House particularly, and that tends to be extremely fragmented with individual participants able to ask at most one question and get a quick response. I don't think it yields a sustained searching of debate as appearances before committees do where there is more time for indepth analysis and questioning.

I would like to underline my very strong feeling that what is needed and is absent is this sustained consultative process on the basic premises and priorities of what we are doing in the world. We just don't have that.

Senator GLENN. Let me take you back a few years then. The last time—from your statement I agree with you today, not your statement today but previous statements—the last time you felt we had a true bipartisan policy was in the period of the 1945 to the mid-1960's, the Vandenburg years, and I would agree with you 100 percent on that. Why did it work?

Mr. BRZEZINSKI. It worked because I think there was trust and a sense of consensus, and then beyond that I think there were also some specific historical forces at work. The country was united by World War II in opposition to Hitler. It then was united in its opposition to Stalin which the country, rightly or wrongly, interpreted as a continuation of the Hitler danger, in essence, similar, a challenge of the totalitarianism aggression. That gradually began to fragment, as the world became complicated, as the threats became more diversified.

The Soviet bloc became fragmented, the dangers became more manifold and then something beyond that, I think something else has taken place which is very difficult for us as a democracy to fully comprehend; namely, the international challenge assumed a never ending dimension. That is to say, it just goes on and on and on, whereas we as a democracy, and particularly American democracy, are accustomed to solving problems. Winning a war is a finite process, the creation of peace should logically follow.

Instead we are discovering that we are engaged in an international process which remains dangerous, is becoming more dangerous and there is no end to it. This is why periodically in our public opinion we have these swings from euphoria about détente hoping that it is going to create everlasting peace with the Soviet Union, then hysteria about the cold war, theories of an apocalyptic conflict.

We still have to learn as a country that being involved in foreign affairs is going to be an indefinite process of neverending threats, always new dangers. I think we find it is still difficult and that complicates this process of making decisions, of deciding what needs to be done.

Senator GLENN. Would you comment on the role of the parties in this because I think that the breakdown of party structure and the breakdown of party authority over the individual Members of Congress has played a very major role, as far as I see it. We come out with great pronouncements in our party platforms every 4 years. I doubt if anybody can tell me right now out of this whole room what the party platform said in 1980—maybe you could—but for either party, and now we have seen even a shift in party roles here.

The Republican Party used to be the party looked at as very isolationist—we will do our own thing, ignore the rest of the world, let them do their thing and we will do ours. The Democratic Party was the opposite, we were a party of internationalism. Now we find the party role is reversed. The Republicans are involved in all sorts of things—the Republican administration is involved in all sorts of things all over the world. The Democrats are saying, pull back, we have gone too far in these areas. We have seen a reversal of roles here.

At the same time the parties don't have the same kind of control over their individual members they once had, it seems to me. What role does this play in it and, how can that be corrected?

Mr. BRZEZINSKI. I think that definitely fragments the process even further. You are absolutely right in your diagnosis. You put it extremely well. I think this enhances the importance of moderate Republicans and moderate Democrate working together to recreate at least some consensus in the middle because right now it doesn't exist. I find these developments very troubling, and I find it even more troubling to see some parties, both parties in effect, increasingly advocating as major foreign policy planks policies which are either unreal or demagogic or even in some cases hoaxes.

If you go back to the great debate within the Republican Party in 1952 between the international wing under Eisenhower and the isolationist wing under Taft, they were debating about two alternative courses of action, but both of them would agree one may be preferable to the other.

When I see my own Democratic Party make its own major plank in 1984 the achievement of what is called a reciprocal and verifiable freeze, I know that the party is advocating a hoax because it is not achievable. You cannot have a verifiable freeze under existing conditions and, therefore, you cannot have a reciprocal freeze. Therefore, a major plank in the party is a hoax.

I can cite examples of extremism on the Republican side as well. I think that degrades the nature of our national dialog in the country. I think it makes it all essential to resuscitate concern regarding our involvement in the world.

Senator GLENN. Mr. Chairman——

Chairman ROTH [interposing]. I think we better——

Senator GLENN [interposing]. I noticed the green light just came on. I will be happy to continue. My sense of time is I have gone 10 minutes. Have I?

Chairman ROTH. Yes; I think we should restrict it to 10 minutes.

Senator GLENN. I was waiting for the light to come on.

Senator COHEN. We just asked them to turn it red.

Senator GLENN. Thank you, Mr. Chairman, Dr. Brzezinski. I really do appreciate your comments today. I wanted to quote from a piece that was written by Dr. Irving Kristol back in 1979, where he said that:

> Our policy is not only bankrupt in the sense of our being unable to act, bankrupt in the sense we have obviously lost the ability even to think collectively about foreign policy. Every thought gives rise merely to a new paradox new dilemma, the end of the road, a road we began to travel 60 years ago when Woodrow Wilson first devised the intellectual framework within which the American foreign policy has been trapped. In essence, the heart of the problem is, we have grown powerless and the powerlessness can be even more corrupting and demoralizing.

I am not sure we have come a great distance from 1979 to 1984, and I think the major message you have given today is one that I applaud; namely, that we seem to be drifting toward the extreme in both parties, as far as the formulation of foreign policy.

As a matter of fact, I was about to cite, on the one hand, the Democratic Party adopting as the major plank the nuclear freeze issue, while the Republicans are opposed to it. Somehow, this has been translated that the Democratic Party is in favor of peace and the Republican Party is in favor of war. In my judgment, what has taken place is absurd.

I would point out you mentioned that Senator Nunn, hopefully to be Secretary of Defense Nunn, in the next administration——

Senator **Nunn** [interposing]. I hope he has another alternative.

Mr. **Brzezinski**. I have a fallback.

Senator **Cohen**. He and I formulated a concept called builddown which has gathered the support of 45 Members of the Senate to seek exactly what you are talking about; that is, a shift away from the extremes back toward the moderate center. But what has often been overlooked as a part of the so-called builddown is that one of the key elements involved was the recommendation of a permanent bipartisan advisory committee to deal with foreign and military policy to take the political partisan nature out of it to survive more than one administration.

I recall the sort of chilly reaction that received at the hands of the Reagan administration. We had to practically take an ax and cut our way through the chamber to even float that idea. Recently there has been some suggestion coming out of the administration that perhaps that is not a bad idea, that perhaps we should finally turn to some sort of advisory panel that would survive any one given administration. It seems to me that you are exactly right, and I think that Senator Glenn has made a very proper recommendation as well. We have got to find a way to get the policies away from the extremes and back toward the center.

It has become increasingly disturbing, I point out, for me to witness that every time we have a tough problem, we have to create a bipartisan commission. We have had the Kissinger Commission, which we laud in terms in the way in which it conducted its business. We had the Scowcroft Commission; we had a Social Security Commission. More and more, we are resorting to going outside the legislative process to get experts to get away from the partisanship when, in fact, we should be internalizing that, institutionalizing that within our own functions.

It just seems to me that is the wrong way to go. We are now talking about getting a commission to deal with the deficit. Theoretically, we have got one; it is called Congress. Yet, we are looking to find a way out of our dilemma. I think you have advocated something which is terribly important to find some way to do this—perhaps it will come about through what you are recommending as far as the NSC Adviser being confirmed or testifying. It almost seems as if it is a way to reinforce the position of the NSC Adviser against State, which raises another question for me.

Before we can have coherency in foreign policy between the executive branch and the congressional branch, the question becomes how do we maintain coherency in the executive branch? Without being personal in any way, going back to the Carter administration, I recall headlines daily saying, who is on top, is it Vance, Brzezinski, Andrew Young, or someone else? Even now in the Reagan administration, we have Mr. Schultz testifying one day about the possibility of some sort of negotiations on space weapons only to have our Secretary of Defense the next day say it is impossible.

What would you recommend? How do we develop a sense of coherency within the executive branch? I think that is probably indispensable before we can have coherency, if ever, in a joint executive/congressional attempt to formulate some sort of long-term coherent policy.

Mr. **Brzezinski**. First of all, let me applaud everything you have said because I am in complete agreement with your points, and I would like to underline that.

As far as coherence within the executive branch is concerned, it has to start from the top down. That is to say, with the President himself. The President has to define the lines of authority within his administration, and one of the reasons why I do advocate that the National Security Adviser be made either subject to senatorial confirmation, at least appear, publicly, and testify before congressional committees is due to my belief that national security policy this day cannot be run from the vantage point of any department. The notion that our foreign policy at large, which includes the powerful components, can be set by the Department of State is simply unhistorical. No self-respecting Secretary of Defense would ever permit that. The notion that our foreign policy can be dominated by a Secretary of Defense is institutionally impossible to sustain because no self-respecting Secretary of State would tolerate that.

Coordination has to come from the White House, but coordination is not an abstraction. Coordination means policymaking because when you coordinate, you are integrating. When you are integrating, you are blending. When you are blending, you are giving shape to something which means you are making policy. Hence, integrator coordinator is, in fact, the principal agent of the President in the area of national security policy, and that de facto is the head of the National Security Council.

Coordination of that sort takes place when that is a strong personality supported by the President. It tends to be fragmented and weak when the President does not support such an arrangement or the National Security Adviser himself is not assertive.

I would like to minimize frictions, misunderstanding and ambiguities of the sort that have arisen in recent years by making that reality more formal. As I said earlier, in response to the chairman, many of the difficulties that arose regarding the role played by Mr.

Kissinger or myself was that we did what our Presidents wanted us to do, and Mr. Nixon in his memoirs, and Mr. Carter in memoirs make that explicit. But when we did it, we were contested because we did not have a formal basis for doing it except the President's will, sometimes communicated overtly, sometimes very indirectly. That led to some of the confusion you have referred to.

I would like to see it clarified. By clarifying it, I think we can enhance the process of consulting Congress, which is what we are concerned with here today, because in more meaningful dialog in that setting with congressional leaders, I think it would also help to create a kind of shared sense of direction. It is absolutely essential. We will never rebuild some degree of bipartisanship; we will never rebuild some degree of national understanding of our foreign policy until we begin to fashion from the top down a shared sense of direction of congressional leadership, and then, over time it will filter down.

Senator Glenn is quite right when he says that the congressional leaders no longer control Congress to the extent they did, but they do to some extent. Once there is a shared sense of direction, that will begin to be pervasive and will affect, I think, the country at large. That is my prescription, and it is not an instant solution but it is the beginning of a process that needs to be resuscitated.

I personally believe and have said this publicly that when we were in office, with the exception of the Panama Canal Treaties, where we worked very closely with the Republican leadership, we did not make enough of an effort to fashion bipartisanship. We should have. I believe that President Reagan missed a real chance when he was elected with a large mandate and when he had on his transition team for the first time ever a former Presidential Democratic candidate, Senator Jackson, when he failed to appoint him as Secretary of Defense. He would have taken a giant step toward bipartisanship in defense policy. I think these initiatives have to be taken from the top down and bipartisanship has to be deliberately fostered if it is again to be resuscitated.

Senator COHEN. I make one other point. That is with respect to the dispersion of power within Congress. The Senate Intelligence Committee is one exception to the rule. I think we have worked on a truly bipartisan basis for the time I have been on that committee. Perhaps because of its very secret nature, we have been able to achieve that. I think something along those lines has to be spread throughout the Congress.

I want to close by saying I want to commend Dr. Brzezinski for his public statements during the past several years. I think it would be easy for him, as part of a past administration, to level criticism at the current administration. Yet, he chose to look at it in a nonpartisan fashion and has tried to instill some sense of national purpose, regardless of party lines. I think he has done a great credit to himself and the country.

Chairman ROTH. Thank you, Senator Cohen.

Senator Bingaman.

Senator BINGAMAN. Thank you, Mr. Chairman. I would like to ask a couple of follow up questions on the proposal to require Senate confirmation of the National Security Adviser and have the person testify before Congress. Would the logical follow on to that be that the spokesman for the administration to the Congress on foreign policy matters should be the National Security Adviser? We had a briefing last week by the Secretary of State who told us what he thought. The Secretary of Defense also frequently appears before the Armed Services Committee, and some of the other committees, offering his views. It does provide fuel for those who are trying to find inconsistencies in our foreign policy.

If one of the main goals is to maintain consistency in policy and the appearance of consistency and coordination, doesn't it make sense to have a single spokesman for the administration, and based on your proposal, wouldn't that be the National Security Council?

Mr. BRZEZINSKI. First of all, let me preface my response by saying that is a side aspect of what I am stressing here today. I attach more importance to the joint executive-legislative consultative mechanism than I do to the question of whether the National Security Adviser should or should not be confirmed by the Senate and I do suggest in my testimony that perhaps informal appearances by him before congressional committees would as of themselves be sufficient. I wouldn't want my testimony, particularly by mass media, to be represented as primarily focused on the proposal that a National Security adviser be subject to senatorial confirmation.

Now, responding to your question, when you have a spokesman from the administration come and testify on economic policy, you have sometimes the Secretary of the Treasury, sometimes the Director of the Bureau of Management and Budget, who is subject to senatorial confirmation. I don't think it denigrates the Secretary of the Treasury when that takes place because it is understood that there is some legitimate division of responsibility and primary focus.

In my view, the Secretary of Defense is clearly responsible for the defense posture of the country, defense strategy, defense budget and related issues. The Director of Central Intelligence is responsible for intelligence activities, covert activities, certain aspects of early warning, intelligence analysis. The Secretary of State is responsible for the conduct of foreign policy and relationships with foreign countries, which primarily means negotiation, diplomacy, the maintenance of positive relationships, but integration of all of these elements is the responsibility of the National Security Adviser, who does it on behalf of the President who does not have the full time necessary to dedicate to these issues.

Now, in that capacity, I think he would present to the Congress the Presidential perspective on national security as it invokes interrelationships between these facets. I would hope if it is to move in that direction, we would at some point appoint as a Secretary of State one of our extraordinarily able senior professional Foreign Service officers. We haven't done this, to my knowledge, in our entire history, and I think it would greatly enhance the performance of the Department of State.

Senator NUNN. Didn't Dean Rusk fit into that category?

Mr. BRZEZINSKI. Was he a professional Foreign Service officer? I am trying to remember that? Was he an FSO? If he was, then that is an excellent precedent.

Senator NUNN. I am not sure.

Mr. **Brzezinski**. Come to think of it, I don't think he was; he was president of the Rockefeller Foundation when he was recruited by President Kennedy. What he was before, I am not sure.

Why not appoint one of our FSO's to become, at some point, Secretary of State because diplomacy, the relationship of foreign governments, is his primary responsibility. This is why Secretaries have to travel so much. They do not have the time literally to do the task of integration that is absolutely essential, and it has to be done by the National Security Adviser and the actions of a link between him and Congress is a major gap.

Senator **Bingaman**. Is it not your thought that having this additional spokesman who may be the main spokesman for the administration while still having the Secretary of State, the Secretary of Defense, and the Director of Central Intelligence all testifying on their particular responsibilities, would work to the disadvantage of coordinated foreign policy rather than to its support?

Mr. **Brzezinski**. No; I do not because we have that system anyway, the National Security Adviser is there and he performs that role. The only problem is that he performs it now in an informal setting when often the performance of that role is even viewed as an illegitimate usurpation of the traditional prerogatives of others. Where, in fact, in the nuclear age with the enormous need for effective integration, it is not usurpation but the performance of a badly needed function, but the function is somehow still viewed as quasi-legitimate. I would like to formalize that and by formalizing it, I think we would enhance executive-legislative relationships. I do not believe, for example, that the Secretary of the Treasury or the Secretary of Commerce have been denigrated by the fact that the Director of the Bureau of the Budget, Management and Budget, OMB, cannot appear before Congress.

Senator **Bingaman**. Isn't there a greater need for presenting a united voice for the administration's foreign policy than there is for the administration's domestic policy?

Mr. **Brzezinski**. Perhaps there is, but I believe that if the National Security Adviser, who is closest to the President, were permitted to speak, we would have higher integration than when we have, in effect, voices from three varying vantage points speaking on foreign policy, each involved in necessarily a somewhat different perspective for the perspective of State inherently emphasizes diplomacy and sometimes even diplomacy is confused by some with being foreign policy. It isn't. Diplomacy is only an aspect of foreign policy, but it is not foreign policy. But people are so taken that the Department of State tends to make that confusion. The same problem arises with Defense or Intelligence.

Senator **Bingaman**. So you would contemplate that all of the various officials you are discussing would testify, but the one that would testify with regard to foreign policy, would be the National Security Adviser?

Mr. **Brzezinski**. National security policy, which is integration of three aspects—diplomacy, defense, and intelligence.

Senator **Bingaman**. Let me ask you about your proposal for a monthly executive-legislative forum. Do you intend, by the use of the word "forum," to allow an open discussion?

Mr. **Brzezinski**. Yes, sir.

Senator BINGAMAN. Open to the press?

Mr. BRZEZINSKI. No, sir; I think it ought to be closed so that it can be intimate and open in the sense that there is no holding back regarding the necessary information or the intent of contemplated actions.

Senator BINGAMAN. There was a period, I gather, when the Congress was able to put forward one or two people as their representatives on foreign policy issues. We certainly have moved far away from that. It is generally recognized that the authority for foreign policy issues is scattered among the committees on the Senate side.

Would you agree that a precondition to the forum proposal's success would be that we have more structure in the Congress in our committee system?

Mr. BRZEZINSKI. I would not agree with that because I do not view it as a precondition. I do agree that it would be easier if there was a more structured Congress, but I realize there isn't and is not likely to be one in the near future.

I do welcome Senator Glenn's suggestion of task forces which might make for more effective integration of the legislative process on the side of the legislative branch, but I view my recommendation as contributing to some higher degree of shared concensus and mutual understanding which may have a spillover-effect insofar as Congress as a whole is concerned.

Even though Congress is now a much more decentralized body than it used to be, nonetheless, it still does have people to take the lead on issues which occupy positions of responsibilities in committees, and there is an informal structure of influence and hierachy in Congress, also. I would like to use that to build a process by which the executive and the legislative branches work more effectively; together on the larger issues of basic premises, priorities, directions in defense, diplomacy, and intelligence.

Senator BINGAMAN. Thank you.

Chairman ROTH. Senator Nunn.

Senator NUNN. Mr. Brzezinski, let me join my colleagues in welcoming you and thanking you for helping us probe into this enormously difficult, complex, and important subject and also for your outstanding service to our Nation, not only when you were in the administration but during your whole career. Let me ask you a couple of questions.

One is looking historically at this relationship. Could you give us an example of when this NSC, State, Defense, Intelligence function worked properly in our history? Is there a smooth period in which we can look back with great pride for guidance?

Mr. BRZEZINSKI. I don't think that one can pinpoint a specific example. I will refrain from succumbing to a certain inherent personal bias regarding dates, but I would say it worked pretty well, for example, when Mr. Bundy and Mr. Kissinger were in the posts, at different stages, particularly Mr. Bundy. I think the relationship between Mr. Bundy and Mr. Kennedy on the one hand and then between Mr. Bundy and Mr. Rusk and Mr. McNamara were such that the system worked reasonably well, particularly on an informal basis.

Senator NUNN. That is interesting because Dean Rusk said he and McNamara said they used to meet once a week for several hours of discussion themselves. I imagine that helped facilitate the relationship of Bundy. It seems to——

Mr. **Brzezinski**. I know that in terms of my own experience with Mr. Vance, Mr. Brown and I used to meet every week several times, probably with other people present and at least once a week, just the three of us for about 2 hours and actually leaving aside the public relations aspects of the operation, it worked quite well. We were not engaged in either institutional or personal hostilities and there was actually a very easy working relationship among us. There were some philosophical policy differences between two of the three individuals involved and that did affect public perception and there were some debates resulting from that in terms of what courses of action should be followed which the President had to resolve. But insofar as the actual mechanics of the system is concerned, it worked very smoothly all the time.

Senator **Nunn**. Could President Carter have done something to ease the problems that existed that Senator Cohen alluded to during his administration? Is there something the President himself could have done, looking back on it from your perspective?

Mr. **Brzezinski**. Well, yes, of course, but I don't think anything useful would be served by my being specific about it.

Senator **Nunn**. Well, let's make it hypothetical. Hypothetically, what can a President do to ease the problems that we have seen over the last 8 and 10 years?

Mr. **Brzezinski**. Let me put it sort of generally. I think the President, probably any President, likes to have diverse advice because it is useful to him to have diverse perspectives. There is no point having four or five advisers all of whom advise the same thing. Then he can do just as well as one. The utility of having different points of views is that it does give him choices and options from which he can then make a choice.

I think the President felt, much like President Roosevelt, he was the beneficiary of such different perspectives and he was making the choice. What I think was clearly underestimated by all of us was the public perspective consequences of the situation which created the impression of far greater division and more zigzagging than in fact was taking place. And that being the case, since it became a political problem, it would have been probably preferable for the President to have resolved it one way or the other at some stage during the 4 years.

Senator **Nunn**. You read Al Haig's historical recitation of his experiences, which I think pretty clearly printed out at least from his perspectives a lot of problems in decisionmaking in the first couple of years of the Reagan administration. Do you have——

Mr. **Brzezinski**. The only observation I have in that respect is it was totally different with us in the sense that under President Carter, domestic policy advisers did not play any role in the discussion of national security policy and national security decision issues went to the President directly through me with my having completely unlimited access to the President any time of day or night in the most literal sense of the word.

And that means that there was no intervening layer that could either stop the process or inject into the process considerations extraneous to national security. I gather Mr. Haig's principal complaint is that domestic political concerns tended to be paramount and they could either stop the process or divert it or fundamentally alter the nature of the decisions. That situation did not exist under President Carter.

Senator NUNN. Let me move on. I want to cover two more subjects, one more directly related to these hearings, the other more remote. The War Powers Act, how do you view that in terms of the relationship between the Congress and the executive branch? How did you view it when you were in office and how do you view it now?

Mr. BRZEZINSKI. I may have a somewhat idiosyncratic view on this subject, given where I come from, because one perhaps would assume that I would be strongly against the War Powers Act, given my former vantage point. My view was that it does not really inhibit effective executive action when it is needed and that everything depends on the spirit and content of the executive-legislative relationship. If the spirit and content of that relationship is one of trust and cooperation, the War Powers Act is not an impediment to needed national action. If that relationship is bad, if it is polarized, if it is poisoned, then the War Powers Act can be a very major obstruction to effective response.

So I would put primary emphasis on the development of a genuinely sustained consultative relationship between the executive branch and the legislative and if that exists, then the War Powers Act gives me no problem at all.

Senator NUNN. I came to the conclusion during the Lebanon situation after going through that whole experience of the War Powers Act that the problem with it was that we were not following the very wise constitutional mandate laid down for Congress to say either yes or no in terms of military commitment and then leave it up to the executive branch to decide how long, how many and under what circumstances. We now have evolved the War Powers Act into something where the Congress tries to determine the length of time of any conflict and prescribe even the parameters of engagement as well as the numbers of forces and how long it is going to last.

It seems to me—and I am in favor of the War Powers Act, I voted for it, I think it is necessary in this day and time when we are in between war and peace on most occasions even when we are fighting—we have got to find a way that Congress can define its role under the constitutional declaration of war. In the grey area, whether we say yes or no, the President comes up and says this is what we want to do, defines the mission as best he can and the Congress says, yes, do it, you have got authority, no, don't do it and leaving it up to him to decide how. We say no more frequently but I think we ought to carry out the essence, because any Congress that can say yes, but is always going to say yes. That is the nature of the legislative process.

We will try to find some in between. As I mentioned once in one of our caucuses during part of that debate, if during the War Between the States, Congress had basically prescribed the length of the war, then we would be meeting in Richmond rather than Washington now probably.

Mr. BRZEZINSKI. I agree with what you say. I personally am concerned with Congress becoming overly engaged in the tactical or mechanical aspects of national security. I really do think it is not right for Congress to be so specifically involved in the determination of weapons characteristics or their modes of deployment or specific diplomatic moves, but I ascribe that condition not so much to the consequences of the War Powers Act but to the breakdown of trust and confidence between the two branches of Government and between the public and the Government at large.

I think it is a political consequence of that condition that has engendered this excessive intrusion of Congress, in my judgment, into very narrow specific affairs. I remember even from my own days at some points different legislators getting involved in specifics of particular covert actions, making recommendations how they ought to be altered, improved or undertaken in a different fashion, which seemed to me to be excessive degree of involvement on their part.

The way to correct that, it seems to me, is to develop sustained process of consultations. Take the Lebanon actions, I think the administration never really articulated clearly its premises and never really articulated its purposes, never defined clearly the mission of the troops that went in, even militarily——

Senator NUNN. I agree with you. That is a failure of the administration. The Congress also failed in requiring that——

Mr. BRZEZINSKI. I was going to say, there was an ongoing consultative mechanism which engages the President, national security advisors, Secretary of State—and perhaps people like yourselves. Then those issues would have arisen. It would have been established early on the administration has no premises or wrong premises, then it would have surfaced legislatively or some consensus would have developed which would have permitted this operation to be undertaken on the basis of solid national support with the United States being better off in either case. So we do need some very badly it seems to me, what we lack is some mechanism for defining strategy on a continuing basis in relationships of ever changing international situations.

Senator NUNN. I contend if Congress were required to say yes or no instead of yes but, yes, maybe, yes how long, yes, numbers, that the Congress before it said yes or no would absolutely require the administration to give more of its own strategy and mission. But the fact we are in between and we can do all of these things makes our role unbecoming, and probably unmanageable, and probably forces it on the administration to state very clearly the premise on which it asks Congress to say yes or no.

I know my time is expired. I have another line of questioning. I will defer.

Chairman ROTH. I would like to go back to the basic question of where we are now. When Secretary Rusk was here last week, he was somewhat more, I would say, optimistic about the situation than many other observers. He said that he felt, if I understood him correctly, that bipartisan foreign policy was still at work, whether you took the prior administration, Carter administration, or whether you took the Reagan administration, they both started from a doctrinary position. But as time went on, they moved into more of a centralist foreign policy. So, it seemed to me that it was his perception that maybe we still do have a bipartisan policy at work but is not perceived as working very effectively.

Would you care to comment on that?

Mr. BRZEZINSKI. I would put it slightly differently, Senator. I would say that, for example, in the course of the Carter administration, there was a movement from the 3d year on, the second half of the administration, toward a more centrist position than originally was the point of departure. I would say the same thing has taken place under Mr. Reagan, that in the 3d and 4th year, the foreign policy became less doctrinaire than the first half. But as the Presidential season moves upon us, the polarization then reopens. I would say at present, we are again moving in the direction of highly simplistic definition of issues toward sharper polarization. If you look at the discussion of the issues, let's say, the American-Soviet relationship or Central America or defense issues and arms control, I think the gap is again widening.

Chairman ROTH. Unfortunately, but isn't that inherent in the Presidential year where both parties want to make an issue. To make an issue, you have to spell out where you stand, oversimplify. Unfortunately maybe that is a problem of the democratic process.

Mr. BRZEZINSKI. Yes; I think that plays a role, but it accentuates at the same time the tendencies within both parties to move toward the extreme and both parties tend to be more susceptible to activist elements that tend to take sharper and more unilateral positions. You can see that at work in the primaries. You see that particularly at work during the election year.

Chairman ROTH. Going back to the comment I made earlier that I was somewhat optimistic, the situation was such that we could perhaps again form a more bipartisan foreign policy, one of my reasons for saying that is it seems to me as we talk these issues in the Cloak Room and not in public, that on many of these, whether Central America or Europe or Japan, that in both parties there is wide agreement on the part of the centralists or moderates, whatever you want to call them.

Unfortunately much of the rhetoric comes from two other, what I type the neoisolationists, the ones who do not want to be involved which is on one side of the spectrum, or the other is go it alone, we are doing it, we don't really need other peoples' help.

I wonder if you see as a helpful measure to strengthen this bipartisan approach the utilization of people who have held public office? For example, we have a number of former Presidents, we have a number of former Secretaries, we have a number of past National Security Advisers. Is there any mechanism that in the private world, these people who represent a body of experts who are well respected, is there something they as a group could do to help push forward, let's say, next year after the election the bipartisan approach?

Mr. BRZEZINSKI. Well, perhaps, and I am really thinking out loud, perhaps there could be some way for the people like the ones you have mentioned to work together in commenting and reacting to issues of major public concern and of more immediate legislative imports. Perhaps there should be some way whereby former Presidents, Secretaries of State, Defense, others, National Security Advisers, could occasionally as a body comment and react to events or to major choices. I haven't given it any thought and I am not sure that should be overly formalized but perhaps there ought to be some mechanism whereby at least their comments would be heard and be part of the process.

Chairman ROTH. It seems to me you have a wealth of experience and expertise, as well as reservoir of good will that we may be letting go untapped. I would very much be interested in any further thoughts you have along this line, whether it should be formalized or done informally is a crucial question, but I don't think we have except on occasional commission taken the advantage of the expertise and bipartisanship that exists among many of these people.

Let me ask you one further question about organization of the executive branch. Different Presidents, of course, want to operate different ways. I suppose—let me ask you this question. Is it better to leave the formal situation such so that any President is free to structure his foreign policy apparatus, if you want to call it that, as he sees fit? For example, even if you take the steps you suggest and make the National Security Adviser subject to confirmation and testimony, I suppose who is the predominant figure partly depends on the individuals appointed to the critical jobs. You can go either direction. If you have a strong Secretary of State and have one in the National Security who doesn't challenge him, then it can be accomplished that way or vice versa. Do you think it is good to try to build into the structure one particular approach or do you think it is better to leave some flexibility?

Mr. BRZEZINSKI. Oh, I think leaving some flexibility is absolutely essential because a President's working style, personality, are very important ingredients in defining how a system works. So it shouldn't be too narrowly circumscribed. What I am recommending in my judgment, does not limit him. It merely formalizes and enhances the function that a President needs to perform for him.

To be sure a President might choose to have foreign policy made truly by a vicar appointed by him who sits in the State Department. My guess is, however, that except in very unusual circumstances, that is not going to work because the fact of the matter is that to make foreign policy effective, you have to not only make decisions on what might be called narrow foreign policy issues, but also on those which pertain to intelligence, which pertain to defense, which even pertain to international economics, and that cannot be done from the vantage point of a Department because the heads of all the other affected departments will resist that. It can only be done from the White House.

Only if you can send a directive to the pertinent Secretary saying the President has directed that the following be done that it really gets done. That has to be done for the President by someone who works for him and closely with him.

Ultimately I believe the choice is either between an effectively coordinated national security policy, which means you have a strong NSC, working with the President's mandate, or a foreign policy which does not entail effective national security coordination, but essentially departmental fragmentation. These are two choices. Some people might say what about the Kissinger days under President Ford. I would say that is a very exceptional set of circumstances.

Mr. Kissinger came to the post with enormous prestige which he acquired at a time when Mr. Nixon was failing. The President was essentially preoccupied with restoring the health of the Nation, with rebuilding its trust in the Constitution and these are very exceptional days. Even then, however, there were very major fights, powerful fights between Mr. Kissinger and Mr. Schlesinger, who was a very strong Secretary of Defense. Fights that were not being resolved because no one could resolve them. Outside of that exceptional period, other recent years power has tended to gravitate to the White House and then the question is, is it exercised in the White House on the President's behalf with someone who deals with foreign policy, has some background in it, or is it exercised, as Mr. Haig complains in his book, essentially by domestic political advisers who are not really versed in international political matters and are not sensitive to foreign policy concerns.

Chairman ROTH. Let me make the observation the case of OMB, suppose the power of that position has not, however, prevented the Secretary of the Treasury if the President chose, from being the key economic policymaker so that in a sense the creation of what you are talking about, of course the Director is subject to confirmation as you suggest and testifies, does not necessarily rule out a different approach, if that is the wish of the administration.

I have some additional questions but I will turn for a moment to Senator Glenn.

Senator GLENN. Thank you, Mr. Chairman.

Just to carry on your line of questioning for a moment on this flexibility, how a President wants this to be set up between NSC, State, Defense, so on, it would seem to me if you allow the level of flexibility you are talking about, perhaps it would be almost synonymous with uncertainty. It would mean from one administration to the next you are aware of how the center of power is and how it would be coordinated, it would hurt bipartisanship rather than helping it.

Mr. BRZEZINSKI. That is why I favor the fact the National Security Adviser has a needed role and it ought to be formalized.

Senator GLENN. Could you see NSC as a coordinator of those different things or do you see if he or she were to be confirmed here, would you see that as being senior to State and Defense in getting information and decisionmaking to the President? In other words, would they report through the NSC to the President formally?

Mr. BRZEZINSKI. They do report through the NSC to the President. That is the system. The President does not have independent lines——

Senator GLENN. They do, but does the NSC, the Director of NSC, have the authority to tell the Secretary of State, no, you cannot do that, period, and that's that? The line of authority function is what I am asking about.

Mr. BRZEZINSKI. In a formal sense the National Security Adviser doesn't have any authority to tell a Secretary of State to do anything or not to do anything. But in the informal sense, he can in two ways: One, by communicating an explicit Presidential order which he would then transmit to the Secretary of State, the President has determined you should do the following and he acts for the President in transmitting it.

Second, if he is close to the President and if he has the President's trust and the Secretary of State or Defense knows that, he can informally do some of the same because not in every case can you run to the President and get his decision. Time doesn't permit it. He is so overwhelmed. So you do, to some extent, have to perform a surrogate function and a great deal depends on trust the President has in the National Security Adviser and on his standing, vis-a-vis his colleagues.

Senator GLENN. Would you favor putting the NSC Director in a line function between State and the President?

Mr. BRZEZINSKI. No, I don't think I would like to do that formally. I am not even sure if it would be constitutionally permissible. I don't believe that is the case with the OMB Director, either. I would simply like to clarify and formalize the functions he performs already so there is less ambiguity and turf struggles than has been the case lately.

Senator GLENN. People will always be the most important element there—who has the most experience and dominant personality, and so forth. Some of the recent NSC heads have had little experience in foreign policy or military policy, either. I think it does not serve us too well. I don't know if that was a major factor in the Lebanese situation we got ourselves into or not. Perhaps it was. I think in that regard, though, I think it very correct for Congress to question some of the Presidential decisions when that is the advice he is getting from those groups. I agree with you completely, in Lebanon, we had a poor definition of purpose. The mission was ill-defined. Most importantly of all, we didn't give the force any tools to accomplish what they were supposedly there to accomplish. I think in that situation, when our own Pentagon people disagreed with the situation we were getting into, it was quite right for Congress to question that, even though I normally would not have been in favor of that. That was a situation that developed which showed where Congress did step in and do something. Where there were wrong decisions being made at the other end of the avenue for whatever reasons, that even our own military in the Pentagon disagreed with privately, although they didn't come out and say so publicly.

What is your view of executive agreement? Are we overusing executive agreements in foreign policy?

Mr. BRZEZINSKI. I cannot give you an honest answer to that. I just don't know if we are overusing them. If you ask me are they needed; yes, obviously, because not every treaty can be subject to congressional approval. Whether we are overusing them or not, I honestly do not know.

Senator GLENN. We have had such an increase in the numbers. I remember back a few years ago when I got interested on it in the Foreign Relations Committee, we had a quantum leap in use of the executive agreements to do things that would have been done formerly by treaty, formally approved by the Senate. It appears executive agreements are being used in many cases as a way of bypassing what would be a check and balance the Congress would normally have on the foreign policy function. I think that is one we need to follow through on, perhaps. I am not trying to stymie the administration but I think that is one that has grown through the years beyond what was ever intended.

Legislative vetoes, the *Chadha* decision a short time back, theoretically knocked out legislative vetoes, although no one is willing to test it either at this end of the avenue or the administration to see if the court will really rule—it is a narrow decision, as you are probably aware. We haven't been willing to test it or not to see if the court would rule if all legislative vetoes would go out the window.

If they do that, it would knock out some 134, I believe it was, areas where we retained legislative vetoes. Do you have any comments on the legislative veto aspect of foreign policy?

Mr. BRZEZINSKI. No; I would rather defer to the courts on this one.

Senator GLENN. That is all. Thank you. I appreciate very much having a chance to discuss things with you this morning. We could continue these in private consultation between ourselves as well as between branches of Government. So I appreciate very much your candor this morning and willingness to answer those questions. They go to the very heart of how our foreign policy works. I think we need more sessions like this as well as between the branches of Government. Thank you, Mr. Chairman.

Chairman ROTH. Thank you, Senator Glenn. I just have one further——

Senator GLENN. Can I say one other thing. On the task force idea I suggested a while ago, if you could have a task force like that, that was more or less a permanent fixture, but then if you have things like Central America, Lebanon, whatever, I would see no reason why you couldn't put together a task force that would be a working group that could work on that particular problem?

Mr. BRZEZINSKI. Is it written out——

Senator GLENN. No; it is not written out. It is something we have been talking and thinking about it. It seems to me that is a way to get some coordination. Maybe we ought to write this up.

Mr. BRZEZINSKI. Yes.

Chairman ROTH. Thank you.

I want to go back to the problem of diversity, assuring that the Chief Executive secures varying opinions in making public policy. It is my understanding back in the days of President Johnson that he ask one person who attended the Cabinet meeting to be the advocate of the opposition. During your tenure there were questions raised as to whether or not, for example, in the case of Iran, the adverse information was coming up through channels. Do you see this as a real problem and, if so, what steps should be taken to ensure that differing information that may vary from the official line receives adequate consideration?

Mr. BRZEZINSKI. By and large, I have to say that that was not a major problem in terms of my own experience. I think the American Government is sufficiently—supports diverse bureaucratically very fragmented for a variety of perspectives to surface.

Certainly there is no fundamental difficulty in seeking an opinion of a different perspective, if you want, nor in it filtering up to the top.

Chairman **Roth**. I suppose in a way, the media plays a very significant role in this area, even for the Chief Executive?

Mr. **Brzezinski**. Yes, and the fact we don't lock people up for leaking guarantees that if you can't make your point of view known within the system, you make it known outside of the system.

Chairman **Roth**. That is a good point.

Mr. Brzezinski, we have taken a good deal of your time. As John Glenn said, the question he raised on task forces, we would appreciate any further consideration, not only on that but post-utilization of former public servants in trying to develop a consensus, whether or not you think it would be useful for Congress by some means consider sensitive Senate resolutions either on specific areas or as a practical matter on general foreign policy periodically.

I know the entire committee would be very much interested in any further thoughts you have on that. Thank you very much. You have always stimulating advice. We thank you for appearing.

Mr. **Brzezinski**. Thank you.

Chairman **Roth**. The committee is now recessed.

[Whereupon, at 12:24 p.m., the committee recessed, to reconvene at the call of the Chair.]

RELATIONSHIP BETWEEN CONGRESS AND THE EXECUTIVE IN THE FORMULATION AND IMPLEMENTATION OF FOREIGN POLICY

WEDNESDAY, SEPTEMBER 26, 1984

U.S. Senate,
Committee on Governmental Affairs,
Washington, DC.

The committee met at 10:04 a.m., in room SD-342, Dirksen Senate Office Building, Hon. William V. Roth, Jr. (chairman of the committee) presiding.

Present: Senators Roth and Sasser.

OPENING STATEMENT OF CHAIRMAN ROTH

Chairman Roth. The committee will please be in order. This morning we are holding our third session on the relationship between the executive and legislative branches of Government in the formulation and implementation of U.S. foreign policy.

As we stressed in our previous two meetings we are not so much concerned with the substance of this administration's foreign policy or any previous administration. Our primary purpose today is to examine the status of the relationship between the Congress and the White House, the National Security Council, the State Department, and a host of other Government departments which enjoy some measure of foreign policy jurisdiction.

We are very fortunate in having two distinguished members of the international establishment with us today who I know will be able to shed considerable light on how we can build a better working relationship. There has been a lot of discussion about the need of a bipartisan foreign policy. The question before us today is whether or not that is possible.

I have just read, gentlemen, this new book, "The Making of American Foreign Policy." I don't know whether you have had a chance to read it or not, but it certainly is a very interesting and worthwhile study on what has happened to our foreign policy, particularly, the breakdown of a consensus foreign policy.

I think most of us would agree that it is not in this country's interest to have a foreign policy, that strongly swings in opposite directions every 4 years.

Consequently, part of the question is whether or not we can move to some kind of consensus. There is a lot of criticism on the part of the role that Congress plays. We like to, over here, sit on the sidelines and disect. Rarely, however, does Congress take a policy position on an issue.

In any event, I would like to welcome both of these distinguished gentlemen. Mr. Sonnenfeldt has served in senior positions in both the Department of State and the National Security Council, dealing primarily with East-West affairs. His experience of work in both these bodies, and his observations on the relationship between State and the NSC, I am sure, will be most enlightening.

Mr. Sonnenfeldt has served both Republican and Democratic Presidents, so I guess you can claim you are a leading example of bipartisan foreign policy. He is currently serving as a guest scholar at the Brookings Institution.

Our other witness today is Dr. Jordan, who is equally well known and serves as president and chief executive officer of the Georgetown Center for Strategic and International Studies. Both his and Brookings are two of our outstanding think tanks.

As a matter of fact, in the book I just made reference to, one of the reasons the authors of that study give for the breakdown in consensus is that they see the replacement of a so-called eastern establishment with the various think tanks. I believe they called them "ideological elitists"—I may be wrong, I think that was the expression—who, rather than seeking a centralist position, espouse or advocate a particular foreign policy position.

But in any event, Georgetown Center is one of our outstanding think tanks in this community that, like Brookings, has provided all of us who serve herewith great wisdom and information.

Dr. Jordan, an Army general, the author of many books and articles on political and military affairs, has served in a variety of senior positions both within the Department of Defense and in the Department of State. Dr. Jordan's observation on his experiences at the Pentagon will be of interest to this committee. Certainly, the Pentagon and the Department of Defense play a key role in foreign policy. That relationship is something that has not been specifically looked at in these hearings.

So I welcome both of you, and I thought if we could, we would ask you to start with each of your statements and then we can just open it up to questions. Mr. Sonnenfeldt.

TESTIMONY OF HELMUT SONNENFELDT, GUEST SCHOLAR, THE BROOKINGS INSTITUTION; AND DR. AMOS A. JORDAN, PRESIDENT AND CHIEF EXECUTIVE OFFICER, GEORGETOWN CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES

Mr. SONNENFELDT. Thank you very much, Mr. Chairman. I welcome this opportunity to participate in these, I think, extremely important deliberations of your committee. I regret that I don't have written testimony, because as I have explained to staff, I have been on airplanes pretty much all the time since I was invited to appear here. In fact, I just got off a plane.

Chairman ROTH. I sympathize. I just got off a highway. I-95 had a bad accident, and I was afraid I wasn't going to be here on time.

Mr. SONNENFELDT. In any event, I think these hearings and your endeavor and the goal that you have just set forth in your remarks and also in the letter of invitation are extremely commendable and urgent. The goal of bipartisanship or nonpartisanship in our foreign policy, at least in large portions of our foreign policy, and more broadly, our national security policy, is a worthy one, even though I doubt that it can be achieved. But progress should be made.

The notion of a working relationship, a better working relationship, between the two branches of Government is likewise a goal that should be striven for and that one should never lose sight of. I also doubt whether that can be adequately achieved.

Both these goals, bipartisanship and consensus, tend to be the goals of incumbents in the Presidency. The challengers usually want to start bipartisanship and consensus after they have achieved office because they come as challengers with programs and policies that they believe, or argue, will change matters for the better, after which they hope to institutionalize what they have brought with them into office.

So this is an old problem, although I believe that it has become more severe and more acute in the last 10 to 15 years. That is, the problem of establishing adequate collaboration across the parties and adequate cooperation between the branches to get things done.

The last years of my service in the Government was in the mid- to late seventies—I left in 1977, although I continue to be an occasional consultant to the Department of State now. This last period of my service was one in which the domestic consensus on foreign affairs, such as it was before, clearly was fractured—severely so.

Also, it saw the decline in the degree of comity that is needed between the branches of Government in order to make the Government work.

You have heard testimony that, as all of us know, there is built into our constitutional structure a delicate balance among the responsibilities and powers conferred by the constitution on the branches of the Government, particularly the executive and the legislative, although to some extent, the judiciary, as well.

It is built into the Constitution, even though the document, itself is terse in dealing with the particular roles of both the branches of Government in the field of foreign affairs.

Whatever the shift in the balance that may have occurred in the direction of the executive, particularly in the post-World War II period, I believe that the pendulum swung too far in the other direction in the 1970's.

It was probably inevitable that as the United States was being propelled into world affairs after World War II, especially in conditions of cold war and possible hot war, that the executive should come to be increasingly dominant in the making and conduct of American foreign affairs.

It was perhaps also inevitable, over time, that there should be a reaction to this growth and proliferation of executive power.

I believe the balance needed to be redressed. But it needs constant attention since it will not in the constant motion of our political system, be fixed in perpetuity.

I believe it is consonant with the dictates of the Constitution and the practices of the American political system over the past 200-plus years that the executive, that is to say, the President and his subordinates, are basically responsible for the conduct of our Nation's foreign affairs.

They are responsible for representing the country to foreign governments and, indeed, to a large degree, to foreign peoples, as well, although that is a more complex matter.

Of course, the executive is accountable to the Congress and ultimately to the people. Of course, the executive must conduct itself within the dictates of the laws of the land. But in the end, I believe we must strive for arrangements that enable our Presidents to speak authoritatively to foreign audiences; to speak in good faith to foreign governments, and by good faith, I mean in such a way that when a President provides assurances or states positions, he has reasonable certainty that he can deliver on what he says.

I believe that our laws, within which the executive must function, have, in recent years, become excessively specific in setting guidelines for our foreign policy and for the actions of the executive.

To be more specific in drawing on my own experience, I believe that the requirements to make certifications of various sorts bearing on the behavior of foreign governments and involving assurances from foreign leaders concerning various matters have often proved to be impediments to the effective conduct of our foreign relations.

In my experience, again, this has been especially the case in the areas of human rights and nuclear nonproliferation, both of them issues of great importance; both of them issues on which I don't believe there is substantial or fundamental disagreement among our political leaders, regardless of party, nor between the branches of Government.

The disagreement turns, in this case, on the best means of achieving shared purposes. I do believe that the legislative practice of recent years that I have referred to is an impediment rather than a facilitator of achieving or making progress toward the goals that we have in these areas.

Chairman ROTH. Could I just interrupt?

Mr. SONNENFELDT. Yes, sir.

Chairman ROTH. This is a matter of concern to me, too. I find, both sides, both political parties, have played the same game, depending on who controls the White House.

What bothers me is that the Congress tends to take positions on specifics without ever trying to really set or address policy. For example right now we have a lot of discussion on Central America, but Congress has never really taken a policy position on that matter.

Is that what you are trying to drive at? Are you talking about details?

Mr. SONNENFELDT. I am driving, first of all, at the overall question of excessive detail. Second, I am driving at the proposition that the President is made accountable to the Congress in such great detail in these matters, and very often, in ways that prove to be extraordinarily delicate, if not embarrassing, in our Government's dealings with foreign governments—friendly, hostile, or in between—that the conduct of foreign policy itself and the pursuit of our goals, whether stated in legislation or enunciated by the President, or both, become extremely cumbersome and difficult.

The question of how far the Congress can go in setting goals is an interesting one. The executive branch is not the most disciplined organization in the world, Lord knows, but it does have a head, and therefore, it does prove possible on occasion for the executive branch to establish purposes and goals, at least in words.

I think the Congress, because of the nature of the institution, its large membership, its proliferation of committees and staffs and so on, finds it very difficult to set forth operationally significant purposes and goals, because inevitably, these are matters of compromise and bargaining.

That takes place in the executive, as well, but as I say, there is a single head there who can ultimately, if he chooses to do so, adjudicate and come down on one side or another. That is much harder to do in the Congress.

So the goals established by Congress tend to be more hortatory than operationally significant.

But my main concern here at the moment had to do with the detail and the manner in which the executive branch is directed to conduct its affairs.

Related to this are the oversight requirements themselves that are written into much legislation. I refer particularly to those that involve frequent and detailed reports to committees of the Congress on performance, especially of foreign governments, and where these have to be made public.

This practice can greatly inhibit the flexibility of the executive branch in representing the interests of the United States abroad.

I believe that both these devices, the setting of conditions and the requirements to report performance, should be reviewed. They should be reviewed dispassionately to see how they can be improved upon so as to facilitate the conduct of relations. Obviously, the Congress has a role, and it has a duty, but I think it has exercised that role and that duty with excessive zeal and detail.

If I could make one specific suggestion in regard to reporting requirements, stemming also from my experience, it is that it may be wise to increase the length of the periods for which a President is required to make reports to the Congress. Very often, these reports are annual, and the executive branch must start preparing a new report almost as soon as the previous one has been submitted and debated in the committees of Congress.

Very frequently, a year is not an adequate time in which to test the effectiveness of what the Congress wants the executive branch to do or what the executive branch itself wants to do. I think there should be greater flexibility in this matter: sometimes 18 months, sometimes 2 years, sometimes 3 years may be much wiser than 1 year.

For example, in the trade legislation passed in the early seventies in regard to most-favored-nations treatment for nonmarket economies—in practice communist countries—the annual reporting requirements concerning emigration from countries with which we, in fact, want to maintain normal trading relationships in Eastern Europe, the annual reporting requirement is apt to be excessive.

I don't think one can assess progress adequately from year to year. It also encumbers the trading relationships themselves if it is not known whether they can continue for more than 12 months at a time. It is very difficult for anyone to make plans. I also question linking emigration practices to trade agreements, but I don't see any possibility of changing this at the present time.

But if such a tie is to be maintained, it should be less rigid in terms of the reporting requirements as they are at the present time.

I want to say something briefly about treatymaking. Negotiating responsibility in seeking agreements, or more particularly treaties, with foreign governments is clearly the President's; it has to be the President's. The practice has grown of consultations with committees and individual Members and staffs, both in the process of negotiation and even in the process of preparing for negotiation.

The ultimate purpose, I take it, of such consultations at both ends of Pennsylvania Avenue is to ensure that what ultimately comes out of the negotiating process, if it is, indeed, completed, will be ratified and will get the other requisite congressional support, including financial, where that may be appropriate.

That, I presume, is why the two branches consult with each other well before anything is formally submitted to the Senate for its advice and consent.

But it has to be recognized that desirable and important as this consultation process is the executive cannot take account of the separate needs and preferences of 535 or even 50 Members of the Congress and their staffs. So there needs to be flexibility on both sides and tolerance on both sides.

The executive branch does have the responsibility to produce treaties it has strong reason to believe will ultimately pass muster in the Congress. I don't think it is good practice for the executive branch to try to fly in the face of what it knows is substantial and major congressional objection and the likelihood of failure, simply in order to challenge the Congress or simply in the hope that ultimately, the executive by arguing in favor of the credibility of the American Government, can thereby sweep away the objections of the Congress.

But I think that the Congress, Members and their staffs—and I emphasize they because staffs have become extraordinarily important in the Congress—must themselves be moderate in their own demands and in their insistence on involvement in the negotiating process.

The presumption should be that when the United States engages in a serious formal negotiation with a foreign government the outcome should be positive and that what it negotiates should, in the end, after due consideration, and sometimes with some modification, become the law of the land.

The treatymaking power and the treatymaking process should not be used as means of confrontation and political maneuvering for power between the branches.

I wanted to make a brief comment on the war powers issue without going into detail. I'm sure you have had other testimony and will have more, and it is obviously one of the big issues between the branches.

What seems clear is that the old practice of declaring war, referred to in the Constitution, is largely outmoded in the modern era. Not entirely, perhaps but largely, and for two reasons. One is that a President may be faced with decisions of extraordinary urgency because of what has happened over the years through the revolution of technology and weaponry.

He may have to make those decisions under great pressures of time and perhaps not with complete information. In that situation, the old system of seeking a declaration of war from the Congress is inappropriate and, as we have already seen in the past, for example, in the case of Pearl Harbor, the President is likely to act before Congress can take the step of declaring war.

The second reason why recourse to a declaration of war has become outmoded is that there are now gray areas between war and peace that are hard to define: guerrilla wars; various kinds of military actions; police actions; and so forth.

It was, of course, this outmoding of the declaration of war concept for which the war powers resolution was supposed to compensate and substitute.

As I say, I don't want to engage in any detailed critique of how this resolution has worked to the extent that we have evidence on it. It is obviously something that your committee needs to look into, because there continues to be widespread debate, controversy and uneasiness about it.

Above all, what we must remember is that the United States must be in a position to deter hostile actions against it, hostile actions at all levels, and to do so, the United States requires credibility.

Those with a potential for hostile action and who contemplate it, if they are to be deterred, must have the strong impression that the American Government can act when faced with such action.

Those of us who have had our doubts and concerns about the war powers resolution continue to feel that that resolution raises questions about the credibility of the American Government's ability to act in moments of need.

Senator SASSER. Mr. Chairman, could I ask Dr. Sonnenfeldt a question at that point?

Chairman ROTH. Please do.

Senator SASSER. If the declaration of war concept is outmoded because of technological paths and the War Powers Act, which is supposed to modernize the old concept of declaration of war and bridge the gap, is outmoded, then what brake has the Congress to exert on the military actions of an administration?

Mr. SONNENFELDT. It is a good question and an important question, and I would never for a moment deny a congressional role. The question is how that role can be defined in such a way as not to undermine what I believe to be the crucial matter of credibility.

Senator SASSER. I don't ask that question in a critical way. I asked it in a way to try to find a solution to the dilemma that we find ourselves in.

Mr. SONNENFELDT. Far better minds than mine have been trying to look for a solution, and obviously, Senator Javits and the other Senators who worked long and hard on the war powers resolution felt that it would provide an answer, if not a solution. I think successive Presidents have found, in contemplating possible action under the war powers resolution, that its terms may well prove to be seriously inhibiting and raise questions of credibility. Moreover, one part of it has already run into negative judicial review, the legislative veto aspect.

I accept your question. I am not in a position, at the moment, to make specific recommendations on this extremely complex subject. Of course, one method that the Congress does have available is in the financial realm. The power of the purse is often cited as a serious and quite effective check of the Congress on the executive branch. How it exercises that check is also a difficult question.

In any event, I believe, Senator, that in terms of the mission that this committee has set itself, the question of the war power, has to be one of the central concerns because it obviously has engaged us deeply in this country especially since the Vietnam war.

Chairman ROTH. It is my hope that, at some future hearings, we will focus just on that question. A number of people have raised similar problems. I think it was Sam Nunn who raised that at the CSIS recent meeting, the question of whether it was appropriate to try to spell out time limits and manpower limits as part of that responsibility. So I think it is something we ought to concern ourselves with.

We do have a specific responsibility under the Constitution. I think it is one that we cannot shirk. The question is how you make it viable, as you say, with modern technology, which has posed a number of problems.

Mr. SONNENFELDT. And the President has responsibilities in his capacity as Commander in Chief, as well as Chief Executive, and there has, of course, been a clash between Congress and the President precisely because of——

Chairman ROTH. Reading the Constitution in these areas, I suppose, helps compound the problem.

Mr. SONNENFELDT. That is right.

I want to come to the end of this rather extemporaneous presentation to make two or three suggestions.

To advance the general purposes of a more effective working relationship between the two branches of the Government it is desirable to look at the process by which executive and legislative branches attempt to work with each other.

I believe it would be desirable to find a way to institutionalize what one might call a steering group arrangement between the executive branch and the Congress. I think it has existed de facto. I'm not sure that it needs to be institutionalized in a formal and legal fashion, but I think it may be well to attempt to make it a permanent practice.

This would involve what is now a de facto practice of presidential consultation with the leadership of the two Houses; that is to say, with five individuals: the Speaker; the majority and minority leaders in the House and the majority and minority leaders in the Senate.

I know this poses delicate problems in the Congress because of the responsibilities of committees and the strong feelings of committee chairmen and ranking minority members. Nevertheless, there is some experience to indicate that if the President and some of his senior advisors can have regular and frequent personal consultations with this group of congressional leaders, it may be possible at least to clear the way for subsequent additional consultations on more specific matters.

Thus, I think this practice should be examined, first of all, in terms of the experience that may have already been accumulated. It should show the way toward more effective cooperation, even though it would not eliminate tension and friction between the political parties, the branches and personalities.

For this purpose, despite my general allergy to increases in staffs, this leadership group in the Congress would deserve a small and highly professional foreign affairs staff—very small; people who can, in addition to whatever other staff the individual leaders have, focus precisely on the matters that come up in these consultations with the President and do whatever follow up may be needed.

They should obviously be discreet; they should obviously be people who could have access to the most delicate and sensitive information. I believe that the President and his senior advisors, the Secretary of State, the Secretary of Defense, the National Security Advisor, must be assured, in this process of consultation, that private and confidential information will be kept private and confidential. Otherwise, the system breaks down.

The arrangement I have suggested would be desirable to carry over from Congress to Congress, from President to President, irrespective of the personalities that happen to fill the particular positions in the two Houses. I would view it as a sort of steering group of the American Government.

A second suggestion: It would be helpful to take a look at the committee and above all, the subcommittee structure in both Houses of Congress as it relates to issues of foreign policy. I think there are too many of them, and the demands that are placed on the executive branch by that fact are extraordinary and often inhibit the executive branch in doing its work.

I know this, too, is a delicate subject, but there must be some ways in which either subcommittees could be consolidated for certain purposes, or hearings could be consolidated, or reporting requirements could be consolidated so that executive branch officers do not spend the largest proportion of their time in testifying or in other activities which are very often duplicatory as they do from subcommittee to subcommittee on the same subject.

Third, in working toward enhanced and perhaps institutionalized consultation, the White House and, especially, the National Security Adviser, along with the officers of the Government who have been confirmed by the Senate and who are otherwise responsible, should be available to the congressional leadership and to other Members of Congress for consultation, information, and explanation.

This is apart from executive branch inputs to the actual process of Congress enacting certain legislation or certain particular measures.

I have opposed the idea of making the National Security Assistant of the President subject to confirmation, because I think that would inhibit the President's ability to staff the White House in a manner most suitable to his own requirements.

However, the National Security Assistant and at least certain senior members of the National Security Council staff should be available to congressional leaders and others in Congress.

I would question at this point, although I think it should be examined, the desirabililty of making White House and National Security Council staff available for formal testimony. That, I think, would raise questions of the internal relationship between the President and his immediate advisers. I don't have a very firm and strong view, but it is an old, contentious issue which should be separated from being generally available for purposes of consultation.

In other words, I take seriously your stated objective of a working relationship. It is extraordinarily important that that be kept in mind.

Overall, I favor balance; but the balance has been somewhat out of kilter. It needs to be restored. It will not be static. It needs constant attention.

The Constitution requires shared and some cases quite separate roles and responsibilities. The purpose must be to enhance the capacity to pursue our interests, and the pursuit of our interests is rarely, if ever, accomplished through stalemate. Unfortunately, all too often in recent years, we have had stalemate; or we have had compromises to resolve stalemate that resemble stalemate. That, it seems to me, cannot serve the purposes of national policy and consequently cannot serve either the purposes and functions of the executive branch of the Congress.

Chairman ROTH. Thank you very much Mr. Sonnenfelt. I think we will proceed to you, Dr. Jordan, then ask both of you questions at that time.

Dr. Jordan?

Mr. JORDAN. Thank you, Mr. Chairman. I am honored to have this opportunity to testify before your committee. I have studied your earlier hearings, particularly with Secretary Rusk and former National Security Adviser Brzezinski. I wish to endorse both their analyses of the problems and some of their advice for improving the situation. I might differ in some small detail, but in general, I think those are sound analyses. My remarks are intended today to add a bit from my own experience and to provide some nuances on the subject arising out of extensive work on the subject which we are doing at the Center for Strategic and International Studies.

When we discuss executive-legislative relations in regard to foreign affairs, I want to stress that the tension which was built into the relationship by the Constitution was deliberate in order to provide checks and balances against the abuse of power.

Thus, as we seek to improve executive-legislative relations, we should not try to eliminate these basic conflicts. Somehow we must try to harness them and guard against their excesses.

Still, I am convinced, and we at the Center are, that the unhappy trends in executive-legislative relations have gone beyond the point of useful tension, and so we have undertaken a major study which we have had under way a little more than a year in an attempt to grapple with some of these difficulties head on.

We have a number of other studies under way which assess specific dimensions of this problem, such as our defense reorganization study, which I will allude to later.

I want to report to you on some of this work. My report is necessarily preliminary since we will not complete our major study until November, and I certainly don't want to preempt those findings.

I might also note that my remarks are colored by my own experience of roughly 20 years in the national security policymaking community and roughly 10 years in the policy research community. So my views on these matters are not simply reflecting our research.

To insure that our executive legislative relations project would have practical application and focus on issues important to practitioners, we formed a bipartisan steering committee of 45 former and present senior policymakers who have an intimate knowledge of how the governmental processes work. We have asked the steering committee to play a pivotal role in setting the agenda, scoping the problem, and providing critical analyses of the various subtopics.

We have had experts do a series of case studies for us on various aspects of executive-legislative relations, and then we have had a member of our steering committee who has personally grappled with a particular issue while he was in Government draw out the lessons from each case study. Then the entire steering group has conducted further discussion and analysis.

We have, for instance, dealt with the cases of war powers and of various associated legislative limits on executive branch flexibility and other related subjects with which my colleague, Hal Sonnenfeldt, has dealt.

We have gone beyond this one issue to deal with the special role of presidential blue ribbon commissions, the continuing difficulties in preparing the annual Federal budget, and a host of other topics, which I know will be of interest to you. I gather Dr. Robert Hunter, who is codirector of our project, is scheduled to speak before your committee later. I think you will find his views particularly valuable.

So without preempting the steering committee and Dr. Hunter, let me just sketch a few preliminary findings. The first one is obvious—that there is too little sustained, open, informal communication between the two branches of Government. One of the stumbling blocks to improved communication is to be found in the way the legislative branch has been conducting its affairs, in recent years, a matter that Hal Sonnenfeldt alluded to in his discussion of the explosive growth of congressional staffs, for instance.

As the congressional agenda has become complicated for Members, it has almost become essential for increased power and responsibility to be delegated to staff. As you know, that growth has been truly astonishing in the last 15 years. A veterans committee staff chief remarked to me the other day that when he was a young staffer more than 20 years ago, he used to analyze various issues and brief Members on them. Now he says the staff is so large that he has senior staffers analyze these issues for him so that he can brief the Members.

We have gotten ourselves into the condition where we are developing a bureaucracy on the Hill which is, I think, inhibiting good staff work. Unfortunately, in order to spread staff payrolls over as large a number of people as possible, some very junior individuals have been hired—people whose experiences are exceeded by their political drive and ambition.

Most particularly, few of these junior—or often, senior people know how the executive branch works and why. Equally and conversely, relatively few staffers in the executive departments know how the Congress as an institution works, and fewer still have any personal ties and communicate with their opposite numbers on Capitol Hill.

So with staffers playing an increasingly important role in these matters, I think it is essential that we give a good deal of attention to improving their mutual understanding there. Options include: fuller training; orientation visits from one side to the other, which are preplanned and scheduled, not casual; cross assignments, particularly by career foreign service officers and military officers to Hill staffs—not to be liaison officers, but to be integral staff members. These things would clearly help in this communication process, and I think the committee should look into those.

Chairman ROTH. On that point, I might say that on a number of occasions, for example, my foreign affairs adviser was a regular service officer serving with me for a year. I think it was mutually beneficial. It was certainly beneficial at this end.

Mr. JORDAN. With the foreign service grumpy because so many of their members are walking the halls hunting a job because political appointees have their normal assignments, perhaps there is a float there that Congress could tap for such help.

We at the Center for Strategic and International Studies systematically bring staffers from both sides together in our research projects and our conferences. We think it is invalvable. I also endorse former Secretary of State Rusk's call to this committee for regular meetings between the President and the bipartisan leadership of the key congressional committees. Mr. Sonnenfeldt is right on target when he says we need to institutionalize elements of this process. I would not go so far as he would to create a separate staff for them, but I think that institutionalizing is important. When Mel Laird was the Secretary of Defense, he did institutionalize such meetings with the chairmen and the ranking minority members of the Armed Services Committees and the Appropriations Committees. Despite that increased communication, secrecy was maintained during those very difficult days of the wind up of the Vietnam war, for instance.

As Secretary of Defense, Jim Schlesinger had regular breakfast meetings with key congressional Members to relay his and the President's thinking on key developments. I presume this practice, continues, but I know it needs to be maintained and intensified and institutionalized.

Such improved communication, of course, is only a necessary condition. It is not a sufficient condition for improved executive-legislative relations. I would list another condition—coherence—as important. The pieces of the excutive-legislative relationship, have to come together systematically, not sporadically so that the system works reasonably well.

You are only too well aware of the burdens of time and energy stemming from your relations with the executive branch. Majority Leader Baker has been quoted as saying that the Senate now spends fully two-thirds of its time deciding on how to spend money, and that one-half of that two-thirds is totally wasted due to inefficiencies of the system.

The executive branch is, of course, experiencing the overload, too. As Mr. Sonnenfeldt says, it is not just your time the system is wasting—it's thousands of hours of Cabinet officers' time and that of their senior staffs as they troop from subcommittee to subcommittee to give the same testimony and expend extraordinary efforts in their reporting and other requirements.

Mr. SONNENFELDT. Joe and I did not coordinate this, by the way.

Mr. JORDAN. Yes. It seems that our experience, however, has taught us certain common lessons. Neither side finds adequate time or energy to discharge its other responsibilities, because both are so bound up in this one dimension of the relationship.

Effective management requires simplification. I have not heard a single compelling argument to the contrary. Everybody is for it in theory, but against the practical means that seem to be required to effectuate it.

Chairman ROTH. Excuse me.

Mr. JORDAN. Yes?

Chairman ROTH. Just a comment on that, because I sympathize with what you are saying. As to the question of consolidating committees, there are certainly many strong reasons why this should be done, all very powerful. The problem is political, and there it is very difficult.

It seems to me that if we can't do a better job on consolidating, joint hearings are a possible solution. We have done that on a few cases, both in the House and Senate, in other policy areas. It seems to me it would make great sense to have the appropriate committees involved in such deliberations. Besides Foreign Relations and Armed Services, other committees necessarily must be involved. This is especially true given the role economics and trade play in foreign policy. Obviously the Finance Committee, with their trade responsibilities, and other committees should be included.

If we could consolidate those hearings—maybe let the various chairmen rotate so there is no problem there—we could, at least partially, achieve what I think is your goal.

Mr. JORDAN. Yes. I would certainly subscribe to that concept, Senator Roth.

Because budgeting is so time consuming in executive-legislative relations, I would like to draw upon another research program we have at the center right now for some thoughts about how we might simplify and make more coherent these budgeting relations.

We have had a project under way for the last year on the organization and procedures of the Department of Defense. We have a very distinguished bipartisan steering group and four working groups involving over 50 former Defense officials, retired senior military officers, scholars, and a number of your colleagues in both the House and the Senate.

One of these working groups is focusing on the congressional defense budget process, and how that interacts with the Department of Defense's budget process. Alice Rivlin heads that group. We have identified a number of problems that plague the process and have a number of suggestions as to how it might be improved.

They include from less frequent decisions, for example, comprehensive, biennial budgeting, which I know your colleague, Senator Nunn, is very keen about; milestone authorizations rather than annual authorizations for weapons; and selective return to permanent authorizations.

We also make suggestions about such matters as consolidated hearings, and in some cases, perhaps consolidating committee responsibilities, although we recognize the great political difficulty in accomplishing the latter. Other procedural changes are considered such as 5-year rolling authorizations in which, in effect, you would shift the emphasis in the authorization process to the Department of Defense's entire 5-year program, each year authorizing the new fifth year of the program on a rolling basis. One major difficulty with the present system, as you well know, is that Congress demands that the Defense Department have a 5-year budgeting process, but then Congress only looks at the first year, which almost ensures that painful decisions will be shifted by the executive branch into the subsequent years. Then, when the chickens come home to roost, there is never enough money in the budget, as those years roll forward, to purchase all the major weapon systems that had been authorized in this piecemeal process.

We recognize the difficulty of such things as altering the pattern of annual authorizations, because after all, the authorization committees only, in effect, won this battle with the appropriations committees in 1959. After many, many years of struggling for annual authorizations, I am sure those authorizing committees are not going to lightly give up that annual look.

So we have to find ways, if we are thinking of biennial processes or of consolidating authorization and the appropriations steps into program committees, for instance, we have to find tradeoffs that would be to everyone's benefit.

In such reforms, the important thing is that if we are going to have coherence in executive-legislative relations, the pieces must mesh on Capitol Hill. We have to have more coherence within the Congress' own processes.

Let me turn now to consultations, which are a good deal more than communication, as you know. In order to overcome the distrust that so marks executive-legislative relations and to improve the prospects for mutual understanding, we have to find more effective mechanisms for consultation than we have had in our past.

I want to talk, in this context, a little bit about the Trade Agreements Act of 1979. That is one of the case studies we examined in great detail in our executive-legislative project. I cite it because it is a clear-cut success case. The success was, in considerable part, the consequence of an earlier failure—it is the earlier repudiation by Congress of agreements on antidumping and American Selling Price which were negotiated by the executive branch during the earlier Kennedy Round on trade relations.

So, in preparation for and during the Tokyo Round, there was a very extensive and intensive process of consultation, largely because the Senate felt that consultation with the executive branch had been totally inadequate during and after the Kennedy Round.

Fortunately, Mr. Carter chose as his Special Trade Representative a man who is not only a skilled negotiator, but a widely respected political person, Mr. Robert Strauss. Strauss moved quickly to consult with congressional leaders and created many private sector advisory groups which had been specified by the Trade Act of 1974.

More than simply creating these groups all over the landscape, he listened to them. A constant flow of reports emanated from them. He invested countless hours on the Hill consulting not only with Members of Congress, but also importantly, with key staffers.

After the fact, he observed that the staffs of the Senate Finance Committee and the House Ways and Means Committee were astonished that a senior cabinet officer such as himself would spend as much time and be as accommodating as he was. Needless to say, this consultation on both the Member level and especially on the staff level proved fruitful.

When it came time to draft the Trade Agreements Act of 1979, it is noteworthy that the actual text was drafted by the Senate and House legislative counsels, with executive branch officials in attendance, but not doing the drafting. However, the drafting was along lines that had been painstakingly worked out in prior consultations.

There was also another important innovation. There was a preconference committee meeting with the respective key House and Senate leaders to iron out any remaining differences between the two Chambers on the bill which had been so carefully worked out in consultation with the executive branch.

It is also a vital fact that the Congress had established in the Trade Act of 1974 special procedures for an up-and-down vote without amendments, so that when the bill was introduced, it only took 34 days for it to become law by an overwhelming majority. It was a triumph of the consultation process.

I think there is a great deal to be learned from that particular success—not for every bill, of course, but certainly for key bills on vital issues such as arms control negotiations, foreign aid, and other issues where we have had particularly great difficulty. There is much to be learned from this case study about the character of consultations, in this case, three-way consultation among the Congress, executive, and the private sector. In the process of the consultations, the executive branch built a powerful constituency with the private sector as well as key sectors of the Congress.

Let me turn now to a fourth "C," comity. By comity, I mean more than mere friendliness or good manners. I use it in its broader sense to convey the idea of a community joined by common values and shared purposes. Surely, our national security and foreign policies should be so marked.

The value of policy continuity, as you yourself remarked at these hearings, is so high in the nuclear age, that presidents should be willing to forego narrow partisanship, to forego emphasizing how much tougher or wiser they are than their predecessors.

One of the ways to emphasize comity and the bipartisan character of our national interests and our purposes would be to cross over, as Zbig Brzezinski suggested before this committee, on certain key appointments, cross over to the other party. Those charged with making foreign and security policy at the most senior levels could well be chosen not only because of their experience and their capability, but also because they can draw others outside their own circle or party into the process.

Zbig listed Scoop Jackson was such a person. I would cite Jim Schlesinger as another.

Unless we are willing to cross over on some of these key appointments, and I am thinking particularly of the Secretaries of State and Defense, then we forego one important way to build the kind of comity that we need within the country.

The restoration of the political consensus in this country on which comity is ultimately based is going to be a long and difficult process. I think we already see some signs that that process is occurring. Those seeds, those beginnings need to be nurtured.

I thank you, Mr. Chairman, for the opportunity to be here this morning. I would be happy to answer any questions.

Chairman Roth. Thank you, Dr. Jordan. As one who is very much involved in the trade matters, I was interested in your comments there. As a matter of fact, I'm the one that initiated the legislation to set up the advisory committee which I think Bob Strauss utilized extraordinarily well. To what extent that case history is due to his remarkable quality and to what extent to other factors is not clear.

But I think one lesson to be gleaned from that experience was that there was not only communication, but there was actual consultation. Many of the problems were worked out ahead of time. I know both Abe Ribicoff, who was chairman of the Subcommittee on Trade, and I the ranking member, were amazed with what ease, in contrast to so many of our treaties, it went through the Senate floor. I think there is a good lesson to be learned there.

I would like to ask a few questions on consultation communication. It seems to me a good recommendation would be to talk about institutionalizing it. Unfortunately, one administration doesn't necessarily learn from the prior. I do think that it is important. It is not only a question, at least at this stage, in communicating with the congressional leaders. Because under our current system, they don't have the clout that people seem to think congressional leaders had in the past.

One of the things that Dean Rusk pointed out—and I recall that I thought worked it out very well—was a briefing every week on the House side for any of the congressional Members willing to attend. A remarkable number of them did attend, myself included.

One of the advantages I saw with that approach is, we weren't being communicated only in terms of crisis. The problem today, as it has been for many years—and I'm talking not only about this administration, but the prior—is that communication is more often of the crisis type. The communications I was talking about previously gave you some understanding of what the administration was trying to secure without coming and asking for some form of crisis legislation.

Let me ask you this question: Isn't too much of the consultation now, except with the appropriate committee, based on crisis rather than on building some kind of an understanding of our foreign affairs goals? Mr. Sonnenfeldt.

Mr. Sonnenfeldt. I think that is probably the case, Mr. Chairman. We should distinguish between several different forms of consultation. One is the matter of broadly informing the membership of the Congress about the condition of the world in various areas on various issues and the purposes of the executive branch's policies and activities.

I think that can and should be done with a large number of Members of Congress in a manner that you just referred to. I, myself, participated in some of those sessions over on the House side, and Congressmen turned up as they were able to. There used to be good and spirited discussions, and they were a useful means of conveying information, exchanging thoughts, and explaining policy lines. That is one area.

The second area has to do with consultation between the branches on pending legislation. This is where the Congress seeks the help and the advice of the executive branch in doing its preeminent constitutional business, which is to pass legislation. It includes [illegible] budget appropriations and so on—all kinds of legisla[illegible]

The third is crisis consultation. We, unfortunately, live in a world in which we constantly face crises of one kind or another, not necessarily military, be it some egregious violation of human rights or some other issue. I believe in that area, it is the executive branch that has the lead. It has the first responsibility to act and to protect the interests of the United States and it needs the understanding, perhaps the help, and the support or at least the acquiescence and toleration of the Congress.

And fourth, there is the area of broad strategy and longer range policy lines. This goes to the point of your last question. It tends to be shoved into the background, since, as we know, the urgent tends to drive out the important, in Government as well as elsewhere. People tend to absent themselves from broad discussions of strategy with long-time horizons. But, in fact, they are extraordinarily important.

We do too little of this. We are impatient as a nation anyway, and we tend—Government tends—to be too much an exercise in crisis management, whether it is a foreign or domestic crisis, and too little an exercise in the definition of goals and the tailoring of commitments to interests and of both to capabilities and vice versa. Those are the agonizing issues, very often ambiguous; very often not particularly urgent.

These, then, are the four areas where consultations must proceed. My suggestion of having a sort of umbrella group, a steering group composed of the five leaders as I have described it, is a little different from General Jordan's reference to meetings with the committee chairmen. Those obviously have to take place, and Cabinet officers are well advised to have them with their committee chairmen, and Presidents should do it from time to time, as well.

My feeling was that the process could use a steering group derived from that which functions from time to time now, but usually in crises, frequently on matters of legislative scheduling, and sometimes also on a matter like Grenada.

It is for that purpose that I suggest having a small compact, very discreet, very professional staff. I did not intend it for meetings with committee chairmen and ranking minority members and so forth, who already have staffs.

A steering or umbrella group would be helpful in all the four areas that I have just referred to: Provide some direction, reference points, and some focus of authority in the Congress.

I don't accept as a given that Congress will no longer be in a position to delegate authority within itself because of the changes in the nature of the Congress, the committee structure, and so on. I think Congress needs to find ways of having "valid interlocutors" with the executive branch.

We have all commiserated about the fact that a President or Cabinet officer used to talk to 6 or 10 or 12 prestigious Members of the Congress, with whom he could do business because they could get the votes, whereas now, there are very few, if any, individuals to whom you can talk in that sense.

We will probably never get back to that earlier situation, but as long as there are leaders here, they should have at least some degree of authority, delegated, not dictatorial authority, from their colleagues in the two Houses so that they can act as representatives of the Congress as a whole in dealings with the President and senior members of the executive branch.

One other suggestion: It would be desirable in the White House on the National Security Council staff to have three or four individuals who are carried over from administration to administration, at least from one administration to the next, to provide institutional memory, continuity, and nonpartisanship.

Perhaps Presidents will ignore them if they feel uncomfortable with people they inherit from their predecessors, but, hopefully, Presidents overcome that when they recognize the professional skill and dedication to the national interest of a small group of individuals of that sort.

There are such individuals, after all, in the Office of Management and Budget, the Joint Chiefs of Staff in the Pentagon, and in various other places. It would be desirable to have such people in the National Security Council staff.

They, too, could serve the purpose of working, if not with my proposed steering committee itself, then with a similar small group of counterparts in the Congress.

Mr. Jordan. May I add a point?

Chairman Roth. Sure.

Mr. Jordan. I agree with the basic observations that Hal Sonnenfeldt just made and would add two thoughts. The first is that the executive branch is, indeed, poorly positioned to consult with the Congress on these long-range planning and strategy issues, partly because of the turnover that has just been alluded to, and partly because of the very grave difficulties that the executive branch has had in creating viable staffs of this kind, even during the life of an administration.

So this is an area in which both branches of Government, I think, have to do a great deal better. Perhaps they could begin to try to work together to try to find modalities and processes for that.

Second, we are going to be inflicted for a good, long time with the phenomenon that was just alluded to about the whales of Lyndon Johnson's era have disappeared.

Chairman Roth. You mean the 535 Secretaries of State?

Mr. JORDAN. Right. The minnows are all going to be their own Secretaries of State and Defense. But I think that the executive branch could, by acting in various ways, reinforce what power centers there are by the very act of aggressive consultation with key committee chairmen or with leadership elements. That creates a locus of information, information that is itself power.

I think that if the executive branch will pursue these kinds of options vigorously, they can help to sort out this confusion of power problem.

Chairman ROTH. I have a lot of sympathy for the kind of consultation you are talking about. I am not sure that you can make it quite as exclusive, at least at this stage, except in very few crises. I think even now, on an ad hoc basis, that exists. In crises the President, whoever he may be, tends to call in the leaders of both sides and in both Houses.

But as a general approach, I suspect it would be helpful to have a few of the critical chairmen involved in that.

I don't want to take too much time. I have got some more questions on this. Senator Sasser.

Senator SASSER. Thank you, Mr. Chairman. I want to commend you for convening these hearings, which I think are very valuable. I want to apologize to this panel for being in and out this morning.

While we are talking about organizing a better liaison between the executive branch and Congress on the question of foreign affairs, Mr. Chairman, we in the Congress ought to organize ourselves better so that we don't have three committee meetings at the same time, which I had this morning, including one, a subcommittee of this committee. It appears to me that at least we could do something about not having the subcommittees of the major committee meet at the same time the major committee is meeting.

Perhaps that is asking too much.

Mr. Sonnenfeldt, the concern here is, of course, to try to develop a better relationship and a smoother coordination and a meaningful coordination between the Congress and the executive branch of Government in the field of foreign affairs.

Many years ago we had a Secretary of State from my State of Tennessee by the name of Cordell Hull. He served as Secretary of State, if memory serves me correctly, for 12 years. I suppose he did serve for a time when there were tumultuous events taking place, leading up to World War II, and that sort of thing.

But he always appeared to enjoy, and his administration appeared to enjoy a good relationship with the Congress, if memory serves me correctly.

I would ask these two distinguished gentlemen, Mr. Chairman, what about the prospect of selecting a Member of the U.S. Senate or a Member of the Congress to serve as Secretary of State? Many times, and in many other countries, the minister of foreign affairs is selected from parliament, someone in the legislative area of government who has expertise in that area. I even suggest my colleague at the present time. My senior colleague from Tennessee is retiring, and if I were a President looking for a Secretary of State, and I wanted a relationship with the Congress, and wanted to try to find a wise man who is trusted and who has a lot of his views trusted by his colleagues, he might fall in that category.

The real question is this: What about the concept of having—maybe it doesn't have to be by statute, but by tradition—selecting a leading Member of the Congress to act as Secretary of State? Perhaps this would replace the filling of the void that is left by the whales who have disappeared here in the Congress. What is your reaction to that?

Mr. SONNENFELDT. My reaction to it is that "it depends." I think a Member of the Congress, of either House, should certainly not be disqualified from consideration for the position—if not the top position, then the No. 2 position, if he is so inclined—simply by virtue of the fact that he has been in the Congress.

I would even argue that a President should make a special effort to look around the Congress to see if there is an individual who would meet his requirements, his own style, his purposes. I agree that there would be virtue in having an individual with experience in the Congress in the position of Secretary of State.

In recent memory, we had Senator Muskie, and before that, Christian Herter from the House and John Foster Dulles, who was an appointed Senator and then served as Secretary of State. There have been others with prior service in Congress over the years.

Thus, this should be a possibility and it should be entertained by an incoming President, not only in this position but possibly in others as well.

Melvin Laird was a prominent Member of the House of Representatives before he became Secretary of Defense. There is a retiring Member of the Senate who is, in my view, a potential Secretary of Defense of great distinction, Senator Tower.

So I think this idea should definitively be brought to the consciousness of political leaders and of Presidential candidates and Presidents. I would not go beyond that to advocate it either as a requirement or as a rule.

Of course, we have had the Presidents coming out of these bodies as well.

One thing I may say, and I don't intend it facetiously: Anyone who does have an aspiration to be President of the United States on the record should probably stay away from the job of Secretary of State. No one has moved up since Buchanan, and that experience was not an overwhelmingly happy one.

Mr. JORDAN. I would like to endorse the views that have just been given, except to strengthen a little bit the case for the distinguished congressional leader. I think that, by all odds, Secretary Laird was one of the most distinguished Secretaries of Defense we have had.

Senator SASSER. If I might interrupt just a moment there, Dr. Jordan. One of the things that Secretary Laird did, I'm told, was to meet regularly with the leadership of the authorizing committees and the committees dealing with defense.

I have been the ranking member of the Military Construction Subcommittee now for 3 years. I have yet to have any sort of contact or meeting with the present Secretary of Defense.

Mr. JORDAN. I think one of the reasons why Secretary Laird was such a success was, indeed, his extremely good relations on Capitol Hill. That intensive consultation you alluded to was one of the dimensions of that. It was not just his experience.

But I was starting to make the point that these gentlemen who have held these positions for extended periods on the Hill and have risen by the esteem of their contemporaries as well as their constituents to positions of leadership invariably know the issues, invariably are men of great experience. It is relevant.

Rather than simply saying as Mr. Sonnenfeldt has done, that such people could be considered, I would say first look to these kinds of people for the Cabinet.

Chairman ROTH. Could I ask a question?

Senator SASSER. Certainly.

Chairman ROTH. In answer to the Senator's question, it is assumed that the individual is willing to step down which, of course, I think, is a problem. As I recall, under our Constitution, a Member of Congress cannot serve in the executive branch.

Would it be desirable to consider a constitutional amendment to permit individuals to serve, or is there some halfway measure whereby Members of Congress could be more directly involved. Maybe because of the time restraints that is not possible.

I just throw that out.

Mr. SONNENFELDT. I am not a constitutional lawyer but I would have great doubts about that. Of course, we do step across the line of that a bit when Members of Congress are appointed to our U.N. delegation.

Chairmen ROTH. That is correct.

Mr. SONNENFELDT. And in that capacity, become subject to the discipline of the executive branch, even though they remain members of an independent branch of the Government. That issue has really been seriously raised constitutionally. I don't know what would happen if someone really challenged this practice.

I would say let's try the other way first, which is—I don't really have any difference with Mr. Jordan. Let us encourage the notion that Presidents should look for capable individuals in the Congress, or recently in the Congress, and put to them the proposition of stepping down, if there is really someone whom they want.

I would think, unless we are prepared to see a substantial change in the nature of our constitutional system, we would be well advised not to break the distinction between the branches.

Mr. JORDAN. I agree.

Chairman ROTH. Lloyd Cutler, as you know, has offered a number of interesting proposals in trying to move our whole system in a more parliamentary form.

I will yield back to Senator Sasser.

Senator SASSER. Mr. Chairman, I have just one or two other questions or statements here. I have been disturbed for some time, even prior to coming to the Senate 8 years ago, by what I perceive to be a disappearance of bipartisanism in the formulation and execution of foreign policy in this country.

I think it has gotten worse in recent years. It has gotten worse as some of the staff and the older leaders in the Congress have retired or been defeated.

Let's face it. The longevity here in the Congress is rather limited now. Mr. Chairman, I came to the Senate in January of 1977. That is the largest freshman class, of 18 Senators, since the Civil War. Two years later, there was a freshman class of 20, in 1978.

Then in 1980, again, another large influx of Senators came in. There was a turnover of almost 60 percent in this body in the space of three elections, or what amounted to about 4 years.

So that gives no continuity to build on there.

In the absence of that, how do we go about building a bipartisan foreign policy, a bipartisan support for a foreign policy, particularly when we see no continuity in an administration?

For example, I don't wish to sound partisan in this statement, but the present administration has had two Secretaries of State and three national security advisors in the space of almost 4 years. We see our President, who for 3 years, has been speaking in very harsh terms of the Soviet Union, referring to it as an evil empire on one occasion. And just yesterday, we see statements being made that appear to be very conciliatory at the United Nations.

The conduct of foreign affairs itself appears to take on very partisan overtones. What is your reaction to this dilemma?

Mr. SONNENFELDT. I think, Mr. Chairman, continuity and the opposite side of it, the turnover, at both ends of Pennsylvania Avenue, is a very serious problem. We are a government of laws, but we are also a government of people. When the people change as frequently as they do, it becomes extraordinarily difficult to develop patterns.

We have had, in the executive branch, the problem of frequent changes of people since the end of the Eisenhower administration for tragic as well as various other reasons. That has created a great deal of turmoil in the upper reaches of our administrations since 1961.

The pattern you have described here compounds the problem. Now, one of the things that it has tended to do is to enhance the influence and power of staffs, because they provide the element of continuity. They float from one Member to the next as new Members come in.

That has its advantages, but it also has the problems that we have alluded to here. It produces a bureaucratization of the Congress, which very often makes executive-legislative relations interbureaucratic relations rather than executive-legislative relations; the bargaining that goes on between these bureaucracies is part of our problem.

It is much easier to diagnose these problems than to solve them.

Partisanship is built into our system. We have longer and longer Presidential elections for various reasons. That process itself tends to polarize. We have lost the broad working consensus—which, incidentally never was unanimity—we had in the postwar years, and we operate with narrow margins of support in the political process in this country on foreign as well as domestic policy.

I would say perhaps, one prescriptive thing about this if the politicians are unable to rise above partisanship, they have to get help from other institutions in our body politic. General Jordan's institution, my institution, where I am simply a guest—the Brookings Institution—and many others, despite what is said in the book to which you referred at the outset, have, in fact, attempted to bridge the partisan gulfs by creating study groups on these and many other policy issues that do include Members of both parties, as well as staffs and others, in order to try to deal with the issues on their merits instead of from purely partisan perspectives.

So, first of all, we must try to find ways to have greater continuity. We have an opportunity this November, whatever your political views may be, to try to get a two-term presidency. That may help in this respect, at least.

I don't know what one can do about relatively shorter term memberships in the Congress. There are many reasons for that trend. In any event, the problems of continuity and the danger of excessive partisanship need to be talked about more candidly by political leaders themselves.

I wish that political leaders and aspirants would have the fortitude to do so even in election campaigns when partisanship is heightened.

I don't know of any other way; I don't know of any organizational gimmick that can come to grips with this problem except the impulses, the insights and the courage of political leaders themselves, plus the thought that we can, from outside the formal political process, make efforts to mitigate polarization and partisanship.

Mr. JORDAN. Senator, I spoke to this somewhat in my remarks. Let me dilate just a little further, starting by saying, again, that I agree with my colleague, in essence. I think that we basically have to look outside the direct political arena to other institutions—mediating, ameliorating institutions such as the Center for Strategic and International Studies or the Brookings Institution, for example—but we also have to look into the powers of the press, which exacerbate the problems of partisanship very greatly.

Partisan excesses tend to be exaggerated by the press and particularly, of course, in election years. We had a 2½-day meeting, called the National Leadership Forum, at CSIS last spring on the subject of bipartisanship. The final address was given by the President, who gave an extraordinarily able address on that subject. Well, in an election year, I guess it was too much to expect perfection and he slipped in a 30-second attack on the Congress. We had worldwide press coverage, including very intensive TV and print media coverage in this country, and virtually the only thing picked up on the entire conference, the 2½ days and a Presidential address of 40 minutes, was the 30 seconds in which he threw barbs at the Congress.

All of the lessons we hoped were going to be conveyed were simply washed out by the way the media treated it. This idea that 30 seconds is enough to deal with a serious political issue is nonsense—what you get is government by one-liners.

Senator SASSER. Those of us who have had some experience with the media and some experience with writing speeches know what is going to be lifted out, and would have known that that 30 seconds of barbing the Congress was going to be lifted out. I assume that the President's speechwriters knew that, also. Perhaps they wanted that to be the case.

You see, I think that is one of the problems here, as I see it, in trying to find a scapegoat for things that don't go well. Here, I don't want to make this partisan stuff. I have talked too long. The chairman has listened to it. I appreciate that. I am very much concerned about not being able to formulate an ongoing, bipartisan, reasonable foreign policy of this country that can give our allies some sense that we know where we are going and that there is some continuity on it that they can rely on, not just our friends, but also our foes.

I think it is an exceedingly dangerous situation when we have an erratic and almost quixotic approach, it seems to me. I am not just blaming this administration, Mr. Chairman. It has been in previous administrations, Mr. Chairman, almost an erratic and quixotic approach and response to developments around the world.

I came here to ask you questions. I end up doing all the talking. I apologize. That is the danger of being in the Senate for very long.

Chairman ROTH. Let me just make a comment here. This morning, of course, we have dealt primarily with the relationship between the executive branch and the Congress. I agree with some of the comments made this morning about other aspects that are equally important: The print media, TV, in fact, the nature of TV coverage. As to the problems with the latter, I don't say it is necessarily the fault of those commentators. As I see it, the fact that they have a few seconds to put a message across is part of the problem.

On another issue, you have the problem of the relationship within the executive branch itself. Our earlier hearings dealt in great detail on the question of the relationship between the National Security Council, particularly the Assistant to the President and the Secretary of State.

Finally, let me say that I think there is some room for cautious optimism. As I view the situation and as I listen to my colleagues on both sides of the political aisle, there appears to be a fairly broad consensus on major principle. If one is talking about nuclear proliferation, or about human rights, or about NATO, there is a fairly broad support for these concepts.

You do have, I think you have neoisolationism in this country, and I think you have some, which tends to come from the left, and on the right, I think you have got some who wanted to go it alone. They think we are spending the money, and why get involved in all these alliances.

But what is lacking is really a catalyst of some sort to at least bring some stability. We seem to accentuate the exception here in Congress because of our nature and the way we work. We have a particular amendment that will propose doing some detailed specific thing. I think you made some reference to that earlier. That becomes the focus point of international relations as far as this body is concerned.

Let me throw out a suggestion and see what your general comments are. As I mentioned earlier, we never talk about what you said, the general policy here. We tend to focus on details. In going to what you said earlier, Joe, one of the problems is, we spend so much of our time on the finincial approach, I mean, we have got the budgetary process; then we have got the authorization; then we have got the appropriations.

We never are able to complete that, so we never really, as a body, discuss—I am talking about the Senate—discuss foreign relations.

One of my thoughts is that we ought to make our budgetary process a 2-year process so that one year we could spend our time on that, and the other year on some of the other areas such as foreign relations.

Would it have any merit to try to specifically set aside a period of time for discussion of foreign relations, maybe require the authorization of your military and foreign affairs budget at that time, so that you had some votes, so we had some people there?

But try to say that an odd years or even years, as the case may be, that there would be a period set aside in which we would debate these; we would have the responsibility of the authorizations for the foreign relation, for foreign aid, for military, to try to require some broader gauged discussion of these issues?

Mr. Jordan. I think that the concept is certainly sound, Senator. I have a concern that the Congress uses the President's annual budget authorization as a vehicle for tacking on an awful lot of other things, because they know the President has got to have a budget. I am just a little doubtful as to whether one can dispense entirely with that annual vehicle.

But one certainly ought to be able to split out, for instance, research and development being done in odd years, or spread the weapons authorization process out according to milestones related to whether you are in research or development or applied development or full production, in lieu of having an annual authorization on those. There are a whole host of things that might be done to diminish the workload and leave time to do the sorts of things you are talking about.

Chairman Roth. Yes?

Mr. Sonnenfeldt. I am attracted to the concept. I always have been. I don't know whether you can rationalize the budget process, the enormously time-consuming process involved in financing the Government sufficiently to free up some time for these broader concerns.

But I have always thought that it would do no violence to the Constitution, but would get us some of the benefits of the parliamentary system, if the Secretary of State, and perhaps other Cabinet officers, could address the full Senate or even the full Congress from time to time, in addition to the President's State of the Union Address. I don't think you can make the President available to the Congress beyond the manner in which the constitution prescribes, except in very, very unusual circumstances as when President Ford came to testify in connection with the pardon of President Nixon.

Of course, the Congress is large and unwieldy. But why not have the Secretary of State stand up in front of the Senate or a meeting of the Senate, not necessarily a formal one, to give a programmatic statement of what the administration of the day seeks to do in the world at large, and answer some questions from the floor.

That would be raising to a higher level of authority what you mentioned earlier and what I recall doing on the House side in the Foreign Affairs Committee, where people could come in at noontime and listen to a presentation and do some questioning and arguing.

The Secretary does now testify in the Foreign Relations Committee from time to time—all too rarely—on questions of broad strategy and purposes. It may be hard to get Senators together for it. But why not do it this way? Let the public view it, or if it is a delicate matter, do it in a secret session.

I would like to see this idea explored. It would be harder on the House side, because large numbers are involved; but then the Senate does have certain responsibility with respect to treaties and the confirmation of high officials. I would try to make some room for such sessions, try to make them constructive and, hopefully, not too partisan occasions.

I think you cannot eliminate partisanship in our system, because that is the grease that makes the wheels go around much of the time. But I think if enough people enter into the spirit of it, this sort of a device might help us along the path that we are trying to map here.

Chairman ROTH. There was some discussion a few years ago. I'm not sure it wasn't then Senator Mondale, who proposed that members of the Cabinet, and I believe the President, should come to the Senate, much like you do in the parlimentary form, be available for questions and answers. I doubt that any President would do that, but you might, for a halfway measure such that you are suggesting, in that members of the Cabinet be available.

But it does bother me that I think the criticism that is being made of the Congress that we tend to—and again, this happened in this administration; it happened in the last administration—that we tend to politicize the system, concentrate on some details, without ever really as a Congress or a Senate, taking a position on basic policy.

We like to sort of whip the administration in power so that we don't have to take responsibility, but we are in a position to criticize whatever they do. It seems to me in many ways that is the nub of the problem. Yet, because the whole process has been politicized, I think it is very difficult to get out of that unless we can somehow develop a broader consensus.

I would say to my distinguished colleague, I think that when you talk to our fellow Members, on both sides of the political aisle, there are wide areas of agreement. Would you agree with that?

Yet that really never seems to come forth.

Senator SASSER. Yes; I think there are wide areas of agreement. On occasion, it appears that those on the fringes seem to dominate the public eye.

Chairman ROTH. I think that is correct. The more extreme point of view, No. 1, they are more fascinating usually, tend to be the ones that are publicly noticed, that take the greatest time in debate.

Senator SASSER. Let me, Mr. Chairman, if I could, just respond to one thing Mr. Sonnenfeldt said.

Chairman ROTH. Please, go ahead.

Senator SASSER. We have had at least one informal meeting with the Secretary of State, and it was in a secure room, and he gave us more or less a bird's-eye view of U.S. policy worldwide, and how he perceived the problems worldwide, and there was fairly good attendance. My guess is that this was done at the instigation of the majority leader, because he has publicly and privately expressed some wish to have more interaction between the administration, at least on foreign policy issues, and the Congress. I suspect it makes his job a lot easier when he is trying to carry the water for some of the administration's policies here.

One of the problems you run into on that, I might say, is this: We also have meetings, as the chairman indicated, after a crisis situation, when an embassy is bombed or marines are killed or something like that, the Secretary of State or someone will, some high-ranking State Department official will come up and be with us and give us a meeting. Generally, I come away from those meetings with the feeling that I am going to read it in the morning papers anyway, that we don't get any particular insight there.

I have a feeling that perhaps the administration officials who are a little guarded in what they say feel, that if they are not, if they get into areas that are too sensitive, we will, indeed, read it in the morning paper.

You have got the security problem of dealing with 100 or 75 politicians, all of whom have friends in the press, et cetera, et cetera, and some of whom who are at issue with members of the press.

I just throw that out to say I don't know what the ideal solution is, the ideal approach. I think the meetings are useful. Even if we don't get any new information, at least we have the opportunity to ask questions and a feeling we are getting some insight from the responses to the questions.

Chairman ROTH. I and a numbers of others, after that particular meeting, felt that if you could regularize that then it might become a very meaningful means of communication if the Secretary or a key assistant would come over on a regular basis. I think it can help build a consensus. The problem is when you go in during a crisis, emotions are high and politics tend to take over so that not much can be accomplished.

But I think the important thing that needs to be done in consultation and communication is to institutionalize it, as you gentlemen have suggested, and try to build a broader consensus.

I personally think there is a fairly broad consensus. I know in talking with some of my Democratic friends and colleagues, many of them, there is not that much difference in many of these areas. There are always some details and some specifics, as was properly brought out. That was true in the fifties and the sixties, as well.

But I think, and even though we kept you 2 hours, it is my judgment that the basis of a broader consensus is available if we can find the catalyst to achieve it; that there are some strong views on both extremes.

But unfortunately, they seem to dominate the debate and the discussion and the coverage. What we have got to seek is somehow to bring back to the floor the broad consensus in many areas that are existing.

I don't want to keep you. You both have been very patient and very good about staying here. May I give you each the opportunity or you, Senator Sasser, to add any other remarks or other areas? The relationship of the Security Council we would be interested in. But I think it is too late to begin to go into that.

Mr. JORDAN. I would like the opportunity just to add one thought along the lines that you were probing there at the end, Senator Roth. I think that developing and bringing forth this consensus is the foremost challenge in the foreign policy arena. It is one that the leadership of the Senate and House on the one side and the leadership in the executive branch on the other ought to be consulting on.

Having been associated with both Democratic and Republican administrations over a long period of time. I have the view that, whereas consultation may not be the panacea, there is almost no problem that cannot be wrestled with more successfully if consultation is going forward.

So I think that that is the primary place for us to start the process that you allude to. The idea of having the Secretary of State and the Secretary of Defense over for the kinds of meetings you are talking about would be an excellent way to begin.

That could be easily accommodated if, for instance, you would get away from the triplification of those secretaries coming up for hearings for budget, appropriations, and authorizations. Some way might also be found to make less onerous demands that are serving neither body's purposes when you go into budget line items and reprogram funds ad nauseam. If some of that time could be converted to the larger purposes we are talking about, I think both bodies would greatly benefit. Perhaps those kinds of processes can be worked out between the two sides if consultation were to proceed.

Chairman ROTH. Thank you, Joe.

Mr. SONNENFELDT. I would simply reiterate the importance of concentrating on the principle of a "working relationship." This means being incremental and not excessively ambitious, even though the goals of more harmonious relationships between the branches and the reduction of the roughest edges of partisanship on foreign policy are very far-reaching ones. I think the best way to get at them is incrementally.

I also think that the immediate postelection period in our Presidential years may be the best time to try for some innovation. The passions may still be there in part, but they begin to cool. There is the tradition of the honeymoon, both between the parties and the branches. There is, even if it is a reelection, and certainly if it is a new election, a sense of renewal. That mood should include tackling the increasingly damaging fragmentation in our Government in the area of foreign policy. The opportunity, the psychological moment should be grasped in the aftermath of a national election to move ahead on some of these problems.

Chairman ROTH. I agree with you. I think the ideal time to get some reform comes right after a Presidential election. I would just point out that many of the problems we are facing today really are a result of the so-called reforms we made yesteryear.

I mean, the feeling was that Congress was not playing an adequate role in foreign policy; that in order to do so, we had to increase our staffs so that we could meet, head-on, the expertise of the other side.

But the problem is, in making these reforms, including the clout of the chairmen and the clout of the parties, we have gone so far in the other direction that maybe we need to go halfway back to the middle.

Gentlemen, thank you very much for your help, your assistance, and we would appreciate your continuing to take an interest as we proceed on this, I am sure, never-ending problem. Thank you.

Mr. **SONNENFELDT**. Thank you.

Mr. **JORDAN**. Thank you, Mr. Chairman.

Senator **SASSER**. Thank you.

[Dr. Jordan's prepared statement, with attachments, follows:]

TESTIMONY BEFORE THE SENATE COMMITTEE ON GOVERNMENTAL AFFAIRS
BY
DR. AMOS A. JORDAN
PRESIDENT
THE CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES
GEORGETOWN UNIVERSITY
SEPTEMBER 26, 1984

I am honored to have the opportunity, as President of the Center for Strategic and International Studes of Georgetown University, to testify before this Committee on this vital topic. I have studied your earlier hearings with former Secretary of State Rusk and former National Security Adviser Brzezinski, and wish to build on their excellent testimony.

In general, I endorse both their analyses of the problems and their advice for improving the situation. My remarks today are intended to add to theirs from my own experience and to provide some nuances on the subject arising out of work which we are doing at the Center.

This committee is addressing an important subject at the right time. There is no question that, in recent years, relations between the Executive branch and the Congress in foreign policy have been unsatisfactory -- no matter which party has controlled the White House, the Senate, and the House of Representatives.

There are many reasons for this sorry state of affairs:

-- the weakening or breakdown of public consensus, induced by such developments as the Vietnam war, cover action in Angola, arms sales to Middle Eastern and other countries, and confusion over Central America;

-- the diffusion of power on Capitol Hill;
-- the explosive growth of Congressional staffs;
-- the greater complexity of world events; and
-- the dissolution of many of the old distinctions between domestic and foreign policy, especially where economics are involved.

When we discuss legislative-executive relations in regard to foreign affairs, it is important to recognize that tension was deliberately built into that relationship in the Constitution in order to provide checks and balances against the abuse of power. Thus as we seek to improve legislative-executive relations, we should not try to eliminate the basic conflict designed into them by the Founding Fathers -- conflict which remains a key protection in the foreign policy realm, as elsewhere in national affairs.

Along with you, however, we at CSIS have become concerned about the unhappy trends in legislative-executive relations, which go far beyond the needed, built-in stresses. Accordingly, we have undertaken a major study of Executive-Legislative Relations which attempts to grapple with this issue head-on. In addition, we have a number of other studies which wrestle with the problem of governance as it relates to specific issues, such as defense policy. I would like to report to you on some of this work and a few of our early findings. Our major work on this field will not be completed until early next year so these are preliminary observations I should note also that they are filtered by my own experience of nearly thirty years of service in the national security policy-making community, including senior positions in both State and Defense, and nearly ten years since then in the policy research community.

The Center's major study of Executive-Legislative Relations was initiated in 1983 as a response to -- and with the active participation of -- policymakers in both branches of government who have grown incrasingly frustrated with the difficulties facing them in discharging their responsibilities effectively.

The goal of the project has been to identify some practical procedural adjustments that could improve executive-legislative relations and thus make for a more effective public policy process. The project began with the premise that the overall governance system is essentially sound and that major revisions to the U.S. Constitution would be unnecessary and unwise. In fact, any recommendations of such magnitude -- and there have been many over the years -- would ultimately fail to generate the needed consensus for implementation and thus serve only as an academic exercise.

To ensure that the project would have practical application and focus on issues relevant to the concerns of current practitioners, our Executive-Legislative Relations project formed a bipartisan Steering Committee of 45 former and present senior policymakers who have an intimate knowledge of the way the Executive branch and Congress work. (Membership list attached.) From the outset, the Steering Committee has played a pivotal role in determining both the goals and scope of the project and in providing critical analyses of the issues addressed.

The Committee has been meeting periodically over the past year to address a number of issues of particular significance for executive-legislative relations. In preparation for each meeting, a case study has been prepared by a noted expert in the field often an academic figure, who reviews the issue in its historical context. A member of the Steering Committee who has personally grappled with the issue while in government next draws out lessons from the case study, suggesting adjustments to improve the process. Discussion by the full Steering Committee then ensues.

The Steering Committee has isolated ten specific issues that pose typical or recurrent obstacles for the policy process. The project began with an analysis of the 1979 Multilateral Trade Agreement. That case proved to be an instance in which, because it was used skillfully, the system did work effectively. Even with the difficulties of managing economic affairs in a complex international system where foreign and domestic concerns intersect, this case shows that the system can be employed to the satisfaction of all parties. Trade Negotiator Robert Strauss' leadership in managing this issue established a pattern which can have wider application in other complex issues. William kBrock has followed that practice. I will talk further about that particular case study in a moment.

The Steering Committee has also addressed the following questions and issues, among others:

- Overlapping authority within both the Congress and the Executive branch.
- The increased ability of single-issue constituencies and political action committees to affect the legislative process and relations between the two branches of government.

- The implications of the Supreme Court decision declaring the legislative veto unconstitutional.
- The special role of presidential "blue ribbon" commissions.
- Legislative limits on Executive branch flexibility in reorganization and resource substitution.
- The impact on the President's role as Commander-in-Chief of increased congressional involvement in defense and arms control details and foreign policy implementation
- The continuing difficulties encountered in preparing the annual federal budget.

The project will release its findings in November along with recommendations for specific adjustments that, if implemented, could help to improve the situation. I do not wish today to preempt the diligent efforts of our Steering Committee members, but would like to convey to you a few main lessons which are emerging from the study. There is, to begin with, too little sustained, informal, open communication between the two branches of government. A major stumbling block to improved communications between the two branches of government can be found in important changes in the way the legislative branch conducts its affairs. For one thing, the complex and extended agenda now faced by our legislators has necessitated the delegation of increased responsibility to staff members. Not surprisingly, and as you well know, the growth in the number of Congressional staffers working on foreign and defense policy issues has been explosive.

A veteran committee staff chief remarked to me recently that when he was a young staffer more than twenty years ago he used to summarize studies of issues and brief members on them. Now, he said, the staff was so large that he had junior staffers briefing issue papers to him so he could advise members.

Unfortunately, to spread staff payrolls over as large a staff as possible, some members hire very junior people whose experience is often exceeded by their political drive and ambition. Few of these junior people know how the executive branch works and why. Equally and conversely, relatively few staffers in the Executive departments know the Congress as an institution and fewer still have personal ties and communicate with their opposite numbers on Capitol Hill. Fuller training, orientation visits, and cross-assignments -- particularly by career foreign service and military officers to the Hill -- would clearly help this communication process. I might say, incidentally, that at CSIS we systematically bring the two sides together in our study projects and conferences, both at the staff and member level.

At the Member of Congress level, I particularly endorse Secretary Rusk's call for regular informal meetings between the President and the bipartisan leadership of the key congressional committees. When Melvin Laird was Secretary of Defense he regularly met with the chairmen and ranking minority members of the Armed Services and Appropriations Committees of both houses. The fact that he was a Member of Congress himself for nearly twenty years may help explain this practice, but it also had practical advantages in maintaining the flow of communication between the two sides. As Secretary of Defense, James

Schlesinger also met frequently and informally with key Congressional leaders to keep them appraised of his thinking and pending developments. I do not know what the practice has been since his era, but such exchanges should -- obviously -- be maintained and strengthened.

Such improved communication is, of course, only a necessary condition for improved executive-legislative relations -- but it is not a sufficient condition. As a second condition of effective executive/legislative relations, I list coherence. The pieces of the relationship must come together systematically so that the system works reasonably well -- which it manifestly does not now. You are only too well aware of the lost motion and opportunities and the burdens of time and energy that you must devote to your relations with the Executive Branch. Majority Leader Baker has been quoted as saying that the Senate spends fully two-thirds of its time deciding on budgetary matters and that one-half of all that time is wasted in inefficiencies in the system. Clearly, the Executive Branch experiences a similar sense of overload in its work -- expecially in budgetary matters -- as Cabinet officers and their staffs expend extraordinary efforts in dealing repetively with overlapping jurisdiction committees and subcommittees of an inquisitive Congress. Neither side finds adequate time or energy to discharge its other responsibilities effectively.

The effective management of these relationships almost necessarily requires their simplication -- I have not heard a single compelling argument to the contrary. I would like to cite an example, drawing upon another research activity at CSIS.

For the past year, CSIS has had underway a project that is systematically reviewing the organization and procedures of the Department of Defense. Philip Odeen, Andrew Goodpaster, and Melvin Laird cochair the project, which includes a bipartisan steering group and four working groups involving over 50 former defense officials, retired military officers, scholars, and a number of your colleagues in both Houses.

Alice Rivlin heads the working group on the Congressional defense budget process. That group has identified three problems that plague this process. First, members of Congress have too much to do. There are too many issues to decide and too little time to review each one in a thorough manner. Moreover, the current system concentrates too much attention on a line-item review of the annual defense budget, slighting larger, more important issues of national strategy and policy oversight. Many of the most important policy decisions receive only cursory review because of this overload and misplaced emphasis.

Second, there are redundant steps in the annual defense budget process. Both chambers review the defense budget at least three times each year, with at least three committees in each chamber having jurisdiction over aspects of the process. This pattern of redundant annual reviews with numerous steps in each phase creates an atmosphere in which decisions are always tentative and subject to frequent revision. This makes it easier to avoid hard decisions, such as choosing among weapon systems, for every issue comes up again and again.

Third, the current budget year represents the limit of the Congress' planning horizon, producing distortions in defense planning for the outyears. Congress insists that the Defense Department establish long-term plans, but reviews those plans only for the next budget year. This creates powerful incentives to postpone difficult choices. Marginal programs are not terminated if it appears hopeful that they can be afforded later in the planning cycle. But all administrations have incorporated unrealistic assumptions in drawing up those long-term plans -- for instance, substantial real growth in spending authority, lower inflation, or both -- which means that in fact there is rarely enough money in the outyears to pay for all the programs pushed into the plan. Unfortunately bad decisions or no decisions by the Congress induce bad decisions by the Executive branch which causes further bad decisions, such as micromanagement by the Congress, in a descending vicious spiral.

To address these problems, the working group is examining three broad categories of reforms.

1. Less Frequent Decisions.
   - o Comprehensive biennial budgeting: The current budget, authorization, and appropriations procedures would be harnessed to a two-year cycle;
   - o Milestone weapons authorization: Annual weapons authorizations would be replaced by authorization milestones, such as exploratory development, full-scale development, and multi-year production;
   - o Selective return to permanent authorizations: Less controversial matters, such as military construction, personnel, etc. would be authorized

on a permanent basis.

2. Consolidate Committee Responsibilities

   - Program committees: Realign committee jurisdictions to consolidate the authorization and appropriations processes, establishing new "program" committees that would perform both functions;
   - Budget/appropriation committees: Consolidate budgeting and appropriation functions into a single committee.

3. Procedural Changes

   - Two-year authorizations: Authorizes the second year of the administration's five-year defense program;
   - Binding budget resolution: The President would be required to submit a defense budget that adds up to the figures specified in the previous year's budget resolution; any changes in the total would have to be justified as amendments;
   - Five-year rolling authorizations: Shift emphasis in the authorization process to the full five-year defense program by authorizing the fifth year of the program, every year, on a rolling basis.

The CSIS Defense Re-organization Project has attempted to adopt a pragmatic approach to defense reform in general, and reform of the Congressional defense oversight process in particular. The current procedures of the Congress are deliberately skeived to reflect a compromise of the power of the many participants in the process. Changing the way Congress deals with the defense budget affects those power relationships. Any proposed changes must be considered in the context of those realities. Specifically, many of the proposed reforms seek to simplify the process. But simplifying the process -- or removing steps in the process -- means that some parties must lose influence. That is possible only if offsetting arrangements are made, or if all participants gain and lose something in a compromise that is viewed as equitable by all parties.

Moreover and particularly, Congress is unlikely sacrifice leverage over the Executive branch. This is a problem for proposals that would reduce the number of annual legislative reviews of the defense budget. Just as eliminating a step within Congress requires some individuals or committees to relinquish power, eliminating an annual legislative vehicle would be viewed by Congress overall as a loss of power to the Executive branch. The Congress is unlikely to give up having some type of annual vehicle for Legislative action on defense. Amendments to major bills (annual authorizations, annual appropriations, etc.) have become a crucial means for enacting Legislative agendas. Members of Congress know that the President must sign an annual appropriations bill for defense and would be reluctant to sacrifice that leverage over the President.

Finally, reforms must consider the relationships between different committees within each chamber. For example, the emergence of annual authorizations after 1959 is the culmination of a long-term struggle between the legislative committees and the appropriations committees. Authorizing committees are unlikely to relinquish the tools they have spent more than 20 years developing unless those tools are replaced by more effective devices. Yet, before we can hope for coherence in executive-legislative relations there must be coherence within the Congress. The scattering of power and creation of overlapping jurisdictions in Congress mean that the Executive branch not only wastes countless days but its efforts to comunicate misfire because it can't locate the target.

If you think of the first half of my testimony as a call for improved communications and coherence, may I suggest you think of this second part as pleas for improved consultations and comity. To overcome the distrust which so marks executive-legislative relations today and to improve the prospects for common understandings will require the creation and utilization of more effective mechanisms for consultation, formal and otherwise. I spoke earlier of the Trade Agreements Act of 1979 case study which we have undertaken as a part of the CSIS Executive Legislative Relations project. That Act's success, pinning down the agreements reached during the Tokyo Round of multilateral trade negotiations was in part, the consequence of an earlier failure, the express repudiation negotiated by the Executive branch during the earlier Kennedy Round. Recalling the acrimony in that earlier fiasco when there had been very little consultation, the Congressional leadership insisted that, during and following the Tokyo negotiations, there be massive, continuous, three-way consultations among the Congress, the Executive, and the private sector.

Fortunately, Mr. Carter chose Robert Strauss as his Special

Trade Negotiator, a man who not only was a skilled negotiator but also a widely respected political broker. Strauss created the requisite pyramid of private sector advisory groups, and listened to them. He invested countless hours in consulting with Members of Congress and, importantly, key staffers. He observed later that the staffs of the Senate Finance Committee and House Ways and Means Committee were astonished that a senior cabinet officer, such as he, would spend as much time and be as accommodating as he was. Needless to say, he won their cooperation.

When it came time to draft the Trade Agreements Act, it is noteworthy that the actual text was drafted by the Senate and House legislative counsels in sessions attended by Administration officials and along lines painstakingly worked out in prior consultation between the two branches. I might note, too, that there was a pre-conference meeting of the respective key House and Senate actors so that differences between the two chambers were worked out ahead of time. It is also a key fact that the Congress had established in the Trade Act of 1974 special procedures for an up or down vote, without amendments, which also accounted for the successful conclusion of the '79 Act. The bill became an Act in 34 days by overwhelming majorities in both Houses. The practice of prior and continuing consultations had succeeded beyond anyones' expectations.

Of course, not all bills or other legislative-executive interactions can proceed in quite this fashion, but the case study does demonstrate what might be done on a difficult, key issue -- say arms negotiations or foreign aid -- if the ground were prepared as carefully and tilled as skillfully as in the case of the 1979 Trade Agreements Act.

Let me turn now to comity. By the term I mean more than mere friendliness or good manners, I use "comity" in its broader sense to convey the idea of a community joined by common values and shared purposes. Surely our foreign and national security policies should be so marked. The value of policy continuity in the nuclear age is so high that Presidents should be willing to forego the temptation of emphasizing how much wiser and tougher they are than their predecessors. Rather, since rhetoric aside it is true, they should emphasize the constancy of American interests and purposes. Excesses of partisanship here can be more than embarassing; over the long run they can be fatal, for neither our friends nor our adversaries can know how to deal with us.

In this context, I think Zbigniew Brzezinski hit the mark squarely in his testimony before you with his emphasis on people, not just process. Those charged with making foreign and defense policy at the most senior levels must not only be experienced and capable -- they must also be the kind of individuals who can draw others outside of their own party into the policy making process. Zbig cited Scoop Jackson as an example of someone widely respected on both sides of the aisle who, had he been given a chance to serve in the current administration, might have fundamentally altered the tone and character of executive-legislative relations in ways that could only serve well our national interests. Jim Schlesinger is another such person. Our future elected leadership must be willing to take the politically courageous step of bridging partisan lines in choosing the Secretaries of State and Defense as a means towards more effective governance and the restoration of comity in executive-legislative relations in this realm.

Thank you for the opportunity to be here this morning. I look forward to answering any questions you might have.

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Chairman ROTH. The committee will now be recessed.

[Whereupon, at 12:10 p.m., the committee was recessed, subject to reconvene at the call of the Chair.]

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